

TITLE 5  
**PUBLIC SAFETY**

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**CHAPTER 1****GENERAL OFFENSES; STATE CRIMINAL CODE**

## Section:

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- 5-1-13 Offenses Outside City Limits
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5-1-1: **DEFINITIONS:** The definitions contained in the Oregon criminal code of 1982, as now or hereafter constituted are adopted by reference and made a part of this chapter. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitions and other sections of particular articles of the code shall be applicable throughout this chapter. (Ord. 75, 12-28-1981)

5-1-2: **ADOPTION OF STATE CRIMINAL CODE:** The following enumerated sections of the Oregon criminal code of 1982, together with all acts and amendments which are now or hereafter enacted, are hereby adopted by reference and made a part of this chapter so far as they pertain to the jurisdiction of the municipal court of the city:

<u>ORS Section</u>	<u>Subject</u>
33.015 through 33.155	Punishments for contempt
131.655	Detention and interrogation of persons suspected of theft
161.015 through 161.735	General provisions
162.075	False swearing
162.085	Unsworn falsification
162.145	Third degree escape
162.195	Failure to appear in the second degree
162.235	Obstructing governmental administration
162.245	Refusing to assist peace officer

<u>ORS Section</u>	<u>Subject</u>
162.285	Tampering with a witness
162.295	Tampering with physical evidence
162.305	Tampering with public records
162.315	Resisting arrest
162.355	Simulating legal process
162.365	Criminal impersonation
162.375	Initiating a false report
162.405	Second degree official misconduct
162.415	First degree official misconduct
162.425	Misuse of confidential information
163.160	Fourth degree assault
163.165	Assaulting a public safety officer
163.190	Menacing
163.195	Reckless endangering another person
163.200	Criminal mistreatment in the second degree
163.205	Criminal mistreatment in the first degree
163.245	Second degree custodial interference
163.465	Public indecency
164.015 through 164.035	General theft provisions
164.045	Second degree theft
164.065	Theft of lost, mislaid, or misdelivered property
164.085	Theft by deception
164.095	Theft by receiving
164.105 through 164.115	Theft provisions
164.125	Theft of services
164.245	Second degree criminal trespass
164.255	First degree criminal trespass
164.335	Reckless burning
164.345	Third degree criminal mischief
164.354	Second degree criminal mischief
164.775 through 164.785	Littering
164.805	Offensive littering
165.007	Second degree forgery
165.017	Second degree criminal possession of a forged instrument
165.037	Criminal simulation
165.042	Fraudulently obtaining signature
165.047	Unlawfully using slug
165.055	Fraudulent use of credit card

<u>ORS Section</u>	<u>Subject</u>
	Negotiating a bad check
166.025	Disorderly conduct
166.065	Harassment
166.075	Abuse of venerated objects
166.095	Misconduct with emergency telephone calls
166.240	Carrying of concealed weapon
166.370	Possession of explosive device
167.007	Prostitution
167.065	Furnishing obscene materials to a minor
167.070	Sending obscene materials to minors
167.075	Exhibiting obscene performance to a minor
167.080	Displaying obscene material to minors
167.087	Disseminating obscene material
167.090	Publicly displaying nudity or sex for advertising purposes
167.122	Second degree promoting gambling
167.132	Second degree possession of gambling records
167.147	Possession of gambling device
167.238	Prima facie evidence permitted in prosecutions of drug offenses
167.355	Involvement in animal fighting
167.810	Creating a hazard
167.830	Employment of minors in place of public entertainment
167.850	Cruelty to animals
167.870	Exhibiting person in trance
471.410	Sale or gift of liquor to person under 21 years of age or to
471.430	Purchase or possession of liquor by person under 21; entry of
476.715	Throwing away of lighted matches, cigarettes and other material
480.110	Definitions for Oregon fireworks law
480.120	Sale and use of fireworks, exceptions and enforcement
480.130	Public display of fireworks; state fire marshall permit
480.140(1)	Supervision of fireworks display
480.150	Fireworks sales or displays; rules, regulations and permits
480.170	Oversized firecrackers

(Ord. 75, 12-28-1981; amd. Ord. 75-1, 2-9-1982; Ord. 75-2, 4-13-1982; 2008 Code)

5-1-3: **APPLICATION OF STATE STATUTES:** Provisions of the Oregon criminal code of 1982, as the same now exists or may hereafter be amended, relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification shall apply to offenses defined and made punishable by this chapter. (Ord. 75, 12-28-1981)

5-1-4: **UNIFORM CONTROLLED SUBSTANCES ACT:** Oregon Revised Statutes chapter 475, as now or hereafter constituted, or as hereafter amended or adopted, is adopted by reference and made a part of this chapter so far as it pertains to the jurisdiction of the municipal court of the city. (Ord. 75, 12-28-1981)

5-1-5: **DRINKING IN PUBLIC PLACES:** No person shall drink or consume alcoholic liquor in or upon a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless such place has been licensed for that purpose by the Oregon liquor control commission. (Ord. 75, 12-28-1981)

5-1-6: **UNNECESSARY NOISE<sup>1</sup>:** No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

- A. The keeping of an animal which by loud or frequent, continued noise shall disturb the comfort and repose of any person in the vicinity.
- B. The use of any engine, device or thing so out of repair, so loaded or operated in such a manner as to create loud or unnecessary grating, grinding, rattling or other noises.
- C. The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.
- D. The construction, erection, including excavation, demolition, alteration or repair of any building, other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., except when specific permission is granted by the city.
- E. The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment. (Ord. 75, 12-28-1981)

5-1-7: **DISCHARGE OF WEAPONS:** Except at firing ranges approved by the city council, no person other than a peace officer while acting in performance of his duties shall fire or discharge a gun, including spring or air actuated pellet guns, or other weapons which propel dangerous or hazardous projectiles. (Ord. 75, 12-28-1981)

5-1-8: **OBSTRUCTING BUILDING ENTRANCES, FIRE HYDRANTS:**

- A. **Building Entrances:** It shall be unlawful for any person to obstruct in any manner the entrance to any building, stairway or hall leading to any building.
- B. **Fire Hydrants:** No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within eight feet (8') of such fire hydrant any bush, shrub or tree, or other obstruction. (Ord. 75, 12-28-1981)

5-1-9:           **VENDING GOODS ON STREETS OR SIDEWALKS:**No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry or otherwise, except when a license has first been obtained by the city. (Ord. 75, 12-28-1981)

5-1-10:          **BEGGING:** No person shall accost another in a public place for the purpose of soliciting alms. (Ord. 75, 12-28-1981)

5-1-11:          **SELLING OR PLEDGING PROPERTY OF INTOXICATED PERSONS:** No person shall purchase property from any person who is in an intoxicated condition or under the influence of a narcotic drug, or advance or loan money to such person, or have any dealings with any such person respecting the title to property. (Ord. 75, 12-28-1981)

5-1-12:          **POSTED NOTICES:** No person shall affix a placard, bill or poster upon any personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority. (Ord. 75, 12-28-1981)

5-1-13:          **OFFENSES OUTSIDE CITY LIMITS:** Where permitted by Oregon law, an act made unlawful by this chapter shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city. (Ord. 75, 12-28-1981)

5-1-14:          **VIOLATION; PENALTY:**

- A.    Penalty Imposed: Violation of any provision of this chapter is punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed thirty (30) days, or by both fine and imprisonment; provided, however, if there is a violation of any provision identical to a state statute, punishment shall follow penalties as prescribed in the state law.
- B.    Separate Violations: Whenever in this chapter, or any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.
- C.    Fines, Payment Enforced: If any person shall neglect or refuse to pay any fine or part thereof imposed upon conviction of this chapter or any ordinance of the city, the municipal judge may collect the fine by sentencing such person to labor in the streets or on other public works, one day for each ten dollars (\$10.00) of such fine unpaid. Persons fined and sentenced to labor, as set out in this subsection, shall be under the charge and supervision of the chief of police and the police department. (Ord. 75, 12-28-1981)

[Footnote 1](#): See also section [4-1-3](#) of this code.

## CHAPTER 2

### MINORS; CURFEW

**Section:**

- 5-2-1 Short Title
- 5-2-2 Age and Hour Restrictions
- 5-2-3 Duties of Officers
- 5-2-4 Uniform Controlled Substances Act

5-2-1:       **SHORT TITLE:** This chapter shall be referred to as the *CURFEW ORDINANCE*. (Ord. 161-06, 7-11-2006)

5-2-2:       **AGE AND HOUR RESTRICTIONS:**

- A.    Minors Fifteen Or Younger: It shall be unlawful for any person fifteen (15) years of age or younger to be upon the streets or in any public place in the city between the hours of ten o'clock (10:00) P.M. and five thirty o'clock (5:30) A.M., unless accompanied by a parent or guardian, under the supervision of the public school system or a religious organization, or on an errand of mercy or emergency during the months of September through May. During the summer months of June, July and August, when school is not in session, curfew hour shall be eleven o'clock (11:00) P.M. and four thirty o'clock (4:30) A.M.
- B.    Minors Sixteen And Seventeen: It shall be unlawful for unemancipated sixteen (16) and seventeen (17) year olds to be upon the streets or in any public place in the city between the hours of twelve o'clock (12:00) midnight, and four thirty o'clock (4:30) A.M., unless accompanied by parent or guardian, under the supervision of the public school system or a religious organization, traveling to or from a place of employment, or on an errand of mercy or emergency. (Ord. 161-06, 7-11-2006)

5-2-3:       **DUTIES OF OFFICERS:**

- A.    Take Custody And Return Child Home: If any such child is found upon the streets or in any public place in the city in violation of this chapter, and it is the first offense, it shall be the duty of any peace officer to place said child under custody and take, or cause to be taken, the child to his/her home and see that the parent or guardian is notified of the violation. Subsequent violations may result in a citation and/or periods of community service determined by the consultation of the sheriff, parent or guardian and/or the Morrow County judge.
- B.    Delinquency; Complaint Filed With Juvenile Court: Whenever a peace officer learns that a child has violated this chapter under circumstances which tend to render him/her

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delinquent, the peace officer shall place an appropriate complaint with the juvenile court for such further proceedings as the court deems appropriate. (Ord. 161-06, 7-11-2006)

5-2-4:       **PARENTAL RESPONSIBILITY:** When notified of curfew violations of a child/minor, the parent or guardian shall take steps to discipline said child and ensure that the hours of curfew are observed. Subsequent violations shall be punishable by the imposition of a two hundred dollar (\$200.00) fine issued to said parent/guardian. (Ord. 161-06, 7-11-2006)



**CHAPTER 3**

**ANIMAL LICENSING AND CONTROL**

Section:

- 5-3-1 Definitions
- 5-3-2 Licensing Requirements, Fees and Tags
- 5-3-3 Inoculation
- 5-3-4 Animals Running at Large
- 5-3-5 Nuisance Animals
- 5-3-6 Impoundment and Fees
- 5-3-7 Killing Certain Animals
- 5-3-8 Penalties; Owners of Minor Age
- 5-3-9 Keeping of Dangerous or Exotic Animals
- 5-3-10 Animal Care

5-3-1: **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

**ABANDONMENT:** Leaving an animal unattended for more than twenty four (24) hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, or medical care.

**ANIMAL:** Any mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

**CAT:** Any member of the species "Felis catus".

**CITY:** The city of Irrigon, Morrow County, Oregon, a municipal corporation.

**DANGEROUS ANIMAL:** Any animal, wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition or which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property; or, any animal which bites or attacks a person or an animal but does not include any of the following:

A. An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner;

B. An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly; or

C. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal.

**DOG:** Any animal, either male or female, of the canine species over the age of six (6) months or having permanent teeth, whichever comes first.

**ENFORCEMENT OFFICERS:** The person duly authorized by the city administrator or mayor to care for, seize and confine animals, or any city employee or person or firm designated by the city council to perform such duties.

**EXOTIC ANIMALS:** Any of the following described animals:

A. All animals, including snakes and spiders, whose bite or venom are poisonous or deadly to humans.

B. Badgers, bears, crocodilians, alligators, constrictor snakes, coyotes, gamecocks and other fighting birds, wolves and wolf hybrids, raccoons, and any member of the cat family other than domestic cats.

**HIS:** A male or female person.

**IMPOUNDMENT FEE:** charges made for placing an animal in an animal shelter or the city's kennel.

**LEASH:** A cord, chain, strap or other flexible material, not over the length of eight feet (8'), of sufficient strength to control the animal.

**NEGLECT:** Failure to comply with the minimum requirements for animal care set forth by city ordinance or as outlined by state law.

**OWNER OR KEEPER:** Any person, firm, association or corporation having a right of property in an animal or who has an animal in his care, or acts as the animal's custodian, or who knowingly permits the animal to remain on or about the person's, firm's, association's or corporation's premises.

- PERSON:** Includes any natural person, association, partnership, organization or corporation.
- PERSONAL PROPERTY:** As used in this chapter, animals are considered to be personal property.
- POUND:** That facility as designated by the city to temporarily confine and house animals that have been seized.
- PROVOKE:** To perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal.
- RUNNING AT LARGE:** Any animal shall be considered running at large if it is off or outside the premises or property belonging to the owner or keeper of such animal, or not under control of its owner or keeper by means of a chain or leash, or contained in or on any vehicle.
- THREATENING OR AGGRESSIVE BEHAVIOR:** Threatening or aggressive behavior of an animal includes, but is not limited to: growling, barking, raising of hair, baring of teeth, lunging or other aggressive movements or actions toward people or other animals.
- TORMENT:** An act or omission, including abandonment or neglect, which causes pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior.
- UNLICENSED:** Any dog on public property or not on the property or premises of his owner or keeper and not wearing a current dog license issued by the city. (Ord. 217-12, 7-17-2012)

5-3-2: **LICENSING REQUIREMENTS, FEES AND TAGS:**

A. License Required:

1. No dog shall be kept or allowed to remain within the city limits for a period exceeding ten (10) days unless the owner has obtained a license as hereafter provided.
2. Any person desiring to keep a dog within the city limits shall, on or before January 1 each year, or within ten (10) days after bringing a dog within the city, procure a city dog license and pay to the city or designated licensing agent for the license of said dog.
3. Having an implanted microchip would not eliminate the need to obtain a license.

B. Fees Imposed; Exemption:

1. Fees will be set by periodic resolution of the city council. Effective January 1, 2001, annual fees will be: five dollars (\$5.00) for each dog for which proof of neutering or spaying is provided, or ten dollars (\$10.00) for each dog which is not neutered or spayed. The following information shall also be provided: breed, coloring, sex, name, date of rabies inoculation, and license number.

2. Any dog used primarily as a guide for a blind or deaf person shall be licensed at no cost to the owner providing all other licensing requirements have been met.

C. Tags: The person procuring the license will be provided with a license tag of a durable substance, with the name of the city, the year for which the license is valid and the number of the license imprinted into the license material. The dog will be required to wear this license tag on a collar. The license will be valid from January 1 until the following December 31 and shall be renewed annually. (Ord. 217-12, 7-17-2012)

5-3-3: **INOCULATION:** At the time of the licensing, the owner shall provide proof that the dog has been inoculated for rabies within two (2) years prior to the application for the license. A copy of such proof shall be kept on file at city hall until the expiration thereof. A license will not be issued without proof of inoculation. (Ord. 217-12, 7-17-2012)

5-3-4: **ANIMALS RUNNING AT LARGE:** Every person owning, keeping or harboring an animal shall ensure that such animal does not run at large in the city. An animal shall be considered running at large when it is off or outside the premises or property belonging to the owner or keeper of such animal, or not under the control of its owner or keeper by means of a leash or contained in or on any vehicle. Any person owning or keeping an animal, which runs at large within the city, shall be guilty of a violation of this section. (Ord. 217-12, 7-17-2012)

5-3-5: **NUISANCE ANIMALS<sup>1</sup>:**

A. Nuisance Conditions: An animal is a public nuisance if it:

1. Scatters refuse or garbage;
2. Howls or barks in a manner that disturbs the peace and quiet of any neighbors;
3. Trespasses on property not owned by or under the control of the owner or keeper of the animal;
4. Damages, destroys or substantially interferes with the property of persons other than the owner or keeper of the animal;
5. While on the property of the owner or keeper and not engaged in the defense of the owner, his property or his immediate family, the animal bites or threatens to bite a person or persons other than the owner or his immediate family;

- 6. Chases vehicles, persons or other animals; or
- 7. Is a female in heat and running at large.

B. Owner Responsibility: The owner or keeper of an animal shall be guilty of a violation of this section if his animal is a public nuisance. (Ord. 217-12, 7-17-2012)

5-3-6: **IMPOUNDMENT AND FEES:**

A. Cause For Impoundment: Any owner or keeper of an animal within the city which is unlicensed, a nuisance or is running at large shall be in violation of this chapter and said animal may be impounded by any city police officer, code enforcement officer or other designated city employee or any person or firm designated by the city council to perform such duties.

B. Notice To Owner; Redemption:

1. Whenever any animal shall be impounded upon the authority of this chapter, the proper city official shall promptly give notice to the owner or keeper of such animal, if such person is known to such city official.

2. No animal shall be released to the owner or keeper unless and until the owner or keeper has produced proof of inoculation for rabies within two (2) years previous, and procurement of a license as provided for within this chapter. In addition, the owner or keeper of the animal shall pay a fine of twenty five dollars (\$25.00) for the release of the animal, plus the cost of pound care during impoundment.

C. Fees: Impoundment fees will be set by contract or periodic resolution of the Irrigon city council.

D. Unknown Owner; Posting Notice; Disposition Of Animal:

1. If the owner or keeper of the impounded animal is not known, a notice shall be posted at the city hall and two (2) other public places within the city and shall remain posted for a period of five (5) days if the animal is licensed or three (3) days if unlicensed.

2. If the owner or keeper does not claim the animal within this period of time by paying the fees and costs of impoundment, the animal may be humanely destroyed or may be disposed of to a person paying said costs, plus licensing if required, and agreeing to provide the animal a suitable home. (Ord. 217-12, 7-17-2012)

5-3-7: **KILLING CERTAIN ANIMALS:**

A. Conditions Under Which Killing Allowed: An animal that is displaying obvious or classic symptoms of being rabid, or is so vicious that it cannot be impounded without risk to human safety or life, or is so seriously injured that warrants its destruction, may be

summarily killed by any city police officer, code enforcement officer or a person or firm designated by the city council to perform such duties.

**B. Vicious Animal:**

1. Declaration; Order Of Destruction: Any animal not engaged in the defense of its owner, the owner's family, or the owner's property, while not on the owner's property, which bites or shows a disposition to bite a person or animal may be declared a vicious animal and may be ordered to be destroyed by order of the municipal court or the appropriate court cited.

2. Statute Considered By Court: In determining whether an animal should be killed, the court shall consider the factors set forth in Oregon Revised Statutes 609.093(1) as it now exists or is hereafter amended. It may be a defense for such action if the animal was being teased or tormented by the person(s) who was bitten.

**C. Defense For Killing Certain Animals:** It shall be a defense to any action brought by a person against any city police officer, code enforcement officer or a person or firm designated by the city council for killing an animal, if the animal killed was dangerous to human safety and/or life, or if the designated person or firm had good cause to believe that the said animal was dangerous to human safety or life. (Ord. 217-12, 7-17-2012)

**5-3-8: PENALTIES; OWNERS OF MINOR AGE:**

A. Penalties Imposed: Any person violating subsection [5-3-2A1](#), section [5-3-4](#) or [5-3-5](#) of this chapter shall be guilty of a violation and shall be fined not less than two hundred fifty dollars (\$250.00). For purposes of this section, each occurrence of a violation may be considered a separate offense.

B. Owners Of Minor Age: It shall be no defense of any violation of this chapter when the true or registered owner of an animal is of a minor age such as to prevent his appearance to answer to such charge or charges in the municipal or justice courts of the city, and, upon such occurrence, the parent or guardian of such minor owner shall be required to appear in his stead and assume full responsibility for the actions of the minor owner. (Ord. 217-12, 7-17-2012)

**5-3-9: KEEPING DANGEROUS OR EXOTIC ANIMALS:**

A. Dangerous Or Exotic Animals Prohibited: Except as provided in this section, no person shall own, keep or harbor any dangerous or exotic animals in the city.

B. Exceptions: Exceptions to subsection A of this section shall apply to the following situations:

1. Keeping of such animals in a bona fide licensed veterinary facility for treatment;

2. Keeping such animals for use in circus, carnival, zoo or other event for entertainment which is authorized by the city council by request, and in accordance with all applicable laws and ordinances;
  3. The owner shall provide that property bond or insurance be posted to indemnify those who may be injured or killed by such animals. The type and amount of such bond or insurance shall be determined by the city council, except where otherwise provided by ordinance.
  4. Keeping of a dangerous animal that has been properly licensed by the city of Irrigon.
- C. Dangerous/Exotic Animal License: Subject to this section and any state or federal law in effect at the time of an alleged offense, it shall be lawful for a person to keep or maintain those animals identified as dangerous or exotic if the person keeping or maintaining such animals has been issued and maintained an annual dangerous animal license under the requirements of this section.
- D. Licensing Conditions, Requirements: The city may issue a dangerous/exotic animal license for the keeping or maintenance of those animals as defined in this chapter, for a period of one year, and may renew the license for subsequent one year periods if it is found by the enforcement officer, after inspection of the premises where the animals are to be kept that:
1. The animal is at all times kept or maintained in a safe manner and is at all times confined securely so that keeping the animal will not constitute a danger to human life or property;
  2. Adequate safeguards are made to prevent unauthorized access to the animal;
  3. The health and well being of the animal is not in any way endangered by the manner of keeping or confinement;
  4. The keeping of the animal will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;
  5. The quarters in which the animal is kept or confined are adequately lighted and ventilated and are so constructed that the animal can be kept in a clean and sanitary condition;
  6. The keeping of the animal will not create or cause offensive odors or in any other way constitute a danger to public health;
  7. The animal is muzzled and leashed or securely confined with a cage when off the owner's premises; when on the owner's premises, the animal is kept inside the house and/or securely penned; and

8. The applicant for such a license has proven ability to respond in damages up to and including the amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death to any person or for damage to property owned by any other person, which may result from the keeping or maintenance of such animal. Such proof of ability to respond in damages may be given by filing with the city a certificate of insurance stating that the applicant is, at the time of this application and will be during the period of his license, insured against liability for personal and property damages as described in this section prior to the issuing of the dangerous/exotic animal license, and operative to the time of the license in the amount of one hundred thousand dollars (\$100,000.00). The certificate of insurance shall provide that no cancellation of insurance will be made unless thirty (30) days' written notice is first given to the city. Should such notice be given to the city, the license shall be immediately canceled.
- E. **Inspection Of Premises:** Prior to the annual renewal of a dangerous animal license, the enforcement officer shall inspect the premises subject to the license to determine if the person to whom it has been issued is continuing to comply with all of the conditions specified in this section. In addition, the enforcement officer shall have the authority to inspect the premises upon receipt of any complaint or in the course of any violation investigation regarding the maintenance of such premises or the animals therein. If the enforcement officer determines, during the inspection, that any of the conditions specified in this section are being violated, the city shall refuse to renew that license or shall revoke the license unless the violation is corrected within a period of time as directed by the enforcement officer, not to exceed thirty (30) days.
- F. **License Fee:** In addition to the requirements of this section, the applicant for a dangerous/exotic animal license shall pay to the city of Irrigon a fee for each animal to be kept or maintained on the premises subject to the license.
- G. **Sale Or Giving Away Restriction:** No person shall sell or give away any dangerous or exotic animal to any person residing within the city and not holding a dangerous/exotic animal license issued and maintained under this section.
- H. **Number Restricted:** In no event shall a dangerous/exotic animal license be issued or renewed for the keeping of more than two (2) dangerous or exotic animals total in any single location. (Ord. 217-12, 7-17-2012)

5-3-10: **ANIMAL CARE:**

- A. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this section. Any failure to comply with the provisions of this section shall constitute a violation and subject the owner or caregiver of an animal to the penalty provisions of this chapter and shall be deemed to be prima facie evidence of criminal negligence under state law.
- B. Every owner or caregiver of an animal shall provide the animal with sufficient good and wholesome food and water, the minimum standards of which are as follows:



1. Sufficient Food: Provisions not exceeding twenty four (24) hours of a quantity of wholesome foodstuff suitable for the animal's specific species and age and which maintains a reasonable level of nutrition.
  2. Sufficient Water: Constant access to a supply of clean, fresh potable water provided at intervals not to exceed twenty four (24) hours.
- C. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.
  - D. Every owner or caregiver of animals shall provide all animals with a shelter that shall be a structure which is ventilated and protected from excessive heat and cold and of sufficient size to permit the animals to exercise and move about freely.
  - E. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.
  - F. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, participate in or permit any dogfight, cockfight or other combat between animals or between animals and humans. No person shall provide or use animals as bait or in training for dogfights, cockfights, or other combat between animals or between animals and humans.
  - G. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances. (Ord. 217-12, 7-17-2012)

[Footnote 1](#): See also section [4-1-3](#) of this code.

## CHAPTER 4

### NEIGHBORHOOD WATCH PROGRAM SIGNS

Section:

- 5-4-1 Short Title
- 5-4-2 Permit Conditions
- 5-4-3 Revocation of Privilege

5-4-1:       **SHORT TITLE:** This chapter shall be known as the *NEIGHBORHOOD WATCH PROGRAM SIGN ORDINANCE*. (Ord. 95, 12-11-1984)

5-4-2:       **PERMIT CONDITIONS:** A revokable permit is hereby granted subject to the following conditions:

- A.       Signs and signposts shall be furnished and installed by the requesting neighborhood.
- B.       All signs and locations shall be approved by the chief of police and the director of public works.
- C.       The city public works department shall remove signs not in conformance with the city's specifications or when not in designated locations. (Ord. 95, 12-11-1984)

5-4-3:       **REVOCATION OF PRIVILEGE:** The placement of signs is a privilege which may be removed by the police department for cause or by council action upon the filing of a verified complaint by concerned citizens who find the sign a nuisance because it detracts from property values through neglect in its upkeep, distracts from observing traffic so as to cause or contribute to accidents, or when requested by the police department. (Ord. 95, 12-11-1984)

**CHAPTER 5**

**FAIR HOUSING**

Section:

- 5-5-1 Declaration of Policy
- 5-5-2 Definitions
- 5-5-3 Unlawful Practices
- 5-5-4 Exemptions
- 5-5-5 Grievance Procedure; Other Remedies
- 5-5-6 Severability
- 5-5-7 Penalty

5-5-1:           **DECLARATION OF POLICY:** It is hereby declared to be the policy of the city, in its exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex, national origin, handicap, or familial status and, to that end, to prohibit discrimination in housing by any person or persons. (Ord. 101 revised, 9-10-1991)

5-5-2:           **DEFINITIONS:** When used herein:

**DISCRIMINATION OR  
DISCRIMINATORY  
PRACTICES:**

Any difference in treatment based upon race, color, religion, sex, national origin, handicap or familial status or any act that is unlawful under this chapter.

**FAMILIAL STATUS:**

A. One or more individuals (who have not attained the age of 18 years) being domiciled with:

1. A parent or another person having legal custody of such individual or individuals; or

2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

B. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

**FINANCIAL INSTITUTION:** Includes any "person", as defined herein, engaged in the business of lending money or guaranteeing losses.

**HANDICAP:** Includes any physical or mental impairment that substantially limits one or more major life activities. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in said major life activities.

**HOUSING ACCOMMODATION OR DWELLING:** Any building, manufactured home, mobile home or trailer, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, manufactured home, mobile home or trailer, structure or portion thereof or any "real property" as defined herein, used or intended to be used for any of the purposes set forth in this definition.

**OPEN MARKET:** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation whether informed through a real estate broker, by advertising by publication, signs or by any other advertising method directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

**OWNER:** Includes a lessee, sublessee, cotenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

**PERSON:** Includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

**REAL ESTATE BROKER OR REAL ESTATE SALESMAN:** Includes any individual, qualified by law, who, for a fee, commission, salary, or for other valuable consideration, or who, with the intention or expectation of receiving or collecting the same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities, or who attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodations, or who is engaged in the business of charging an advance fee or contracting for the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

REAL PROPERTY: Includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums. (Ord. 101 revised, 9-10-1991)

5-5-3: **UNLAWFUL PRACTICES:** In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the city for a person, owner, financial institution, real estate broker, real estate salesman, or any representative of the above, to:

- A. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of race, color, religion, ancestry, national origin, sex, place of birth, familial status, or handicap.
- B. To discriminate against a person in the terms, conditions, or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith.
- C. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of race, color, religion, ancestry, national origin, sex, place of birth, familial status, or handicap.
- D. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of race, color, religion, ancestry, national origin, sex, place of birth, familial status, or handicap.
- E. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when, in fact, it is so available, or to refuse to permit a person to inspect any housing accommodation because of race, color, religion, ancestry, national origin, sex, place of birth, familial status, or handicap.
- F. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.
- G. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such a sale, purchase, rental or lease or in the furnishing of facilities or services in connection therewith.
- H. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of

any particular race, color, religion, sex, national origin, place of birth, familial status, or handicap in the area to be affected by such sale, purchase, rental or lease will or may result in either:

1. The lowering of property values in the area;
  2. An increase in criminal or antisocial behavior in the area; or
  3. A decline in the quality of schools serving the area.
- I. To make any misrepresentations concerning the listing for sale, purchase, rental, lease or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the city for the purpose of including or attempting to induce any such listing for any of the above transactions.
- J. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation.
- K. To retaliate or discriminate in any manner against a person because he/she has opposed a practice declared unlawful by this chapter, or because he/she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter.
- L. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter, or to obstruct or prevent any person from complying with the provisions of this chapter, or any order issued thereunder.
- M. By canvassing, to commit any unlawful practices prohibited by this chapter.
- N. Otherwise deny to, or withhold any housing accommodation from, a person because of race, color, religion, ancestry, national origin, sex, place of birth, handicap or familial status.
- O. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of race, color, religion, sex, national origin, handicap, place of birth, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance or of the present or prospective owners,

lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

- P. To deny any qualified person access to or membership or participation in any multiple listing service, real estate broker's organization, or other service organization or facility relating to the business or to the selling or renting of dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation because of race, color, religion, sex, national origin, handicap or familial status. (Ord. 101 revised, 9-10-1991)

5-5-4:           **EXEMPTIONS:** This chapter shall not apply to:

- A. A religious organization, association or society or any nonprofit organization or institution operated, supervised or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, national origin, handicap or familial status.
- B. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- C. Any single-family house sold or rented by an owner; provided:
  - 1. That such private individual does not own more than three (3) such single-family houses at any one time.
  - 2. That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty four (24) month period.
  - 3. That such bona fide private individual owner does not own any interest in, nor is there owned or served on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time.
  - 4. The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:
    - a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of

any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson; and

b. Without the publication, posting or mailing of notice, of any advertisement or written notice in violation of the provisions of 42 United States Code section 3604(c) or of section [5-5-3](#) of this chapter. Nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to protect or transfer title.

- D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. (Ord. 101 revised, 9-10-1991)

**5-5-5: GRIEVANCE PROCEDURE; OTHER REMEDIES:**

- A. **Filing Of Complaint:** Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the city attorney within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice which occurred. The city attorney or his/her duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this chapter shall cause the city attorney to forward the complaint and his findings to appropriate state and federal officials.
- B. **Alternative:** As an alternative to the above, the city will assist the aggrieved person or persons to contact the Oregon fair housing project.
- C. **Other Remedies:** Nothing in this chapter contained shall prevent any person from exercising any right or seeking any remedy to which he/she might otherwise be entitled or from filing his/her complaint with any appropriate government agency. (Ord. 101 revised, 9-10-1991)

**5-5-6: SEVERABILITY:** In case any one or more of the sections, subsections, clauses or provisions of this chapter or the application of such sections, clauses or provisions to any situation, circumstance or person, shall for any reason be held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other section or provision of this chapter or the application of such sections, subsections, clauses or provisions to any other situation, circumstance or person, and it is intended that this chapter shall be constructed and applied as if such section or provision so held to be unconstitutional or invalid had not been included in this chapter. (Ord. 101 revised, 9-10-1991)

**5-5-7: PENALTY:** Any person violating any provision of this chapter shall, upon conviction thereof, be punished to the full extent of the law. (Ord. 101 revised, 9-10-1991)