

Athena Ordinance**ORDINANCE NO. 520**

AN ORDINANCE PROSCRIBING GENERAL OFFENSES; AND REPEALING CERTAIN ORDINANCES.

The City of Athena, Oregon ordains as follows:

Section 1. Public Intoxication. No person shall create, while in a state of intoxication, any disturbance of the public in any public or private business or place.

Section 2. 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 licensed for that purpose by the Oregon Liquor Control Commission.

Section 3. Loitering. No person shall loiter in or about a public place frequented by children, including swimming pools, schools, school bus stops, playgrounds and parks and public premises adjacent thereto, for the purpose of annoying, bothering or molesting children.

Section 4. Unnecessary Noise. No person shall create or assist in creating or permit the continuance of unreasonable noise in the City of Athena. The following enumeration of violations of this section is not exclusive, but is illustrative of some unreasonable noises:

- (1) The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.
- (2) The use of an engine, thing or device which is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- (3) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.
- (4) The construction, including excavation, demolition, alteration or repair of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the city.
- (5) The use or operation of an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device so loudly as to disturb persons in the vicinity thereof, or in such 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.

(Sections 5 to 16 reserved for expansion.)

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Weapons and Fireworks

Section 17. Discharge of Weapons. Except for licensed mobile slaughter business and at firing ranges approved and so designated by the Common Council of the City of Athena, no person other than a Police Officer in the discharge of his official duties, shall fire or discharge a weapon or gun, including bows and arrows, spring or air actuated pellet guns, paint ball guns, air guns, BB guns, sling shots, or other weapons; which propels a projectile by the use of gun powder or other explosive, bowstring, jet or rocket propulsion. [Section 17 amended by Ordinance No. 398, & 2, passed July 13, 1981.]

(Sections 18-42 reserved for expansion.)

Section 43. Places of Amusement.

- (1) No person under 18 years of age shall enter, visit or loiter in or about a public card room, poolroom or billiard parlor.
- (2) No person operating or assisting in the operation of a public card room, poolroom, billiard parlor or public place of amusement shall permit a person under 18 years of age to engage therein in any game of cards, pool, billiards, dice, darts, pinball; games of like character; or games of chance, either for amusement or otherwise.
- (3) This section shall not apply to the playing of billiards or pool in a recreational facility. As used in this section, a “recreational facility” means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only, and:
 - (a) Which is clean, adequately supervised, adequately lighted and ventilated;
 - (b) In which no alcoholic liquor is sold or consumed; and
 - (c) Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

(Sections 44 to 52 reserved for expansion.)

Section 53. Removal of Carcasses. No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

(Sections 54 to 77 reserved for expansion.)

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Obstructing Governmental Administration

Section 78. Police and Fire Communications. No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any police or fire department radio communication system.

(Sections 79 to 86 reserved for expansion.)

Fires**Section 87. Fire Lanes.**

(1) All streets and alleys in the City of Athena are declared to be fire lanes.

(2) No person shall block or obstruct a fire lane or permit any accumulation of trash, lumber or rubbish which extends into and interferes with passage through such fire lane.

(Section 88 to 95 reserved for expansion.)

Street and Sidewalk Offenses

Section 96. Obstruction of Building Entrances. No person shall obstruct any entrance to any building.

Section 97. Open Cellar Doors or Grates. No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when such entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

Section 98. Obstruction of Fire Hydrants. No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within six feet of such fire hydrant any bush, shrub or tree, or other obstruction.

Section 99. 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, unless a license or permission has first been obtained by City Council.

(Sections 100 to 105 reserved for expansion.)

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Miscellaneous

Section 106. Begging. No person shall approach another in a public place for the purpose of soliciting alms.

Section 107. Lodging. No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof.

Section 108. Creating a Hazard. No person shall create a hazard by:

- (1) Intentionally maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or
- (2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of 12 inches or more, intentionally fail or refuse to cover or fence it with a suitable protective construction.

(Sections 109 to 120 reserved for expansion.)

General

Section 121. Soliciting or Confederating to Violate Ordinances. No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this or any other ordinance of the city. (Legal?)

Section 123. Separate Violations. Whenever in this ordinance or any ordinance of the City of Athena 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.

Section 124. Penalties. Violation of any provision of this ordinance is punishable by a fine determined by referendum, provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law.

Section 125. Nuisance Abatement. In addition to the imposition of penalties, violations of Sections 53, 96, 98, 108, and 110 are declared to be public nuisances and subject to abatement, as provided in Ordinance No. [362] or other lawful means.

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Section 126. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 127. Application of State Statutes. Provisions of the current Oregon Criminal Code, 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 ordinance.

Passed by the council and approved by the mayor August 12, 1974.

Passed by the council and approved by the mayor November 15, 2007.