



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3881 AMENDING CHAPTER FIVE OF BC ADDING
SECTION BC 5.08.660, INTERFERING WITH POLICE, BC
5.08.800 (C) PENALTIES

NUMBER OF PAGES 3

CODE

ORDINANCE NO. 3881

**AN ORDINANCE AMENDING CHAPTER FIVE
OF THE BEAVERTON CODE
BY ADDING A NEW SECTION, BC 5.08.660, INTERFERING WITH POLICE
AND AMENDING BC 5.08.800 (C), PENALTIES.**

WHEREAS, a police officer should be allowed to create a reasonable zone of safety when engaged in arresting, stopping or taking a person into custody;

WHEREAS, the city has authority to prohibit and punish conduct not prohibited under state law, so long as the local ordinance does not conflict with state legislation or legislative history; and

WHEREAS, the proposed ordinance is not in conflict with state criminal law or legislative history and is a valid exercise of the city's home rule authority; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The "OBSTRUCTING GOVERNMENTAL ADMINISTRATION" section of Chapter Five of the Beaverton Code is hereby amended to add the following new provision:

"5.08.660 Interfering with Police.

A. No person shall fail to leave the area of an arrest, custody or stop after being directed to leave the area by a peace officer known by the person to be a peace officer.

B. No person shall return to the area of an arrest, custody or stop after being directed to stay away from the area by a peace officer known by the person to be a peace officer.

C. The area of an arrest, custody or stop is located in a ten foot radius from where a peace officer is arresting, stopping or taking custody of a person and exists for so long as it takes the officer either to actually restrain a person or to terminate the stop.

D. It is no defense to prosecution under this section that the peace officer lacked legal authority to make the arrest, take the person into custody or stop the person, provided the peace officer was acting under color of official authority.

E. Passive resistance to an order to leave the area of an arrest, custody or stop under subsection A of this section does not constitute behavior intended to be prohibited by this ordinance."

S ction 2. BC 5.08.800(C), Penalties, is hereby amended by adding the following new provision:

"5.08.660 Interfering with Police"

First reading this 7th day of February, 1994.

Adopted by the Council this 14th day of February, 1994.

Approved by the Mayor this 17th day of February, 1994.

ATTEST:

APPROVED:

Darlene Cooburn
DARLENE COGBURN, City Recorder

Rob Drake
ROB DRAKE, Mayor