

**AN ORDINANCE ADDING AND AMENDING
CERTAIN PROVISIONS OF CHAPTERS ONE, FIVE AND SIX
OF THE BEAVERTON CODE.**

WHEREAS, the City has the legal authority to define and punish criminal misconduct under its Charter and ordinances and to prosecute such offenses in its Municipal Court; and

WHEREAS, local governments are prohibited under Article XI, section 2, of the Oregon Constitution from enacting legislation that conflicts with state criminal laws; and

WHEREAS, the City endeavors to maintain consistency between its local criminal ordinances and state criminal laws; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

The following provisions are hereby added to the Beaverton Code:

Section 1. BC 1.04.020, Municipal Court Proceedings, is hereby added to the Beaverton Code and shall read as follows:

“1.04.020 Municipal Court Proceedings. Except as otherwise provided in this Code or in a provision of state law directly applicable to municipal courts, proceedings of the Beaverton Municipal Court shall conform to general laws of this state governing justices of the peace and justice courts. A defendant charged with an offense in the Beaverton Municipal Court does not have a right to have the matter transferred to the circuit court.”

Section 2. BC 5.08.307, Private Indecency. ORS 163.467, “Private Indecency,” as now constituted, is hereby incorporated into this code.

Section 3. BC 5.08.427, Mail Theft or Receipt of Stolen Mail. ORS 164.160, “Definitions”; ORS 164.162, “Mail Theft or Receipt of Stolen Mail”; ORS 164.164, “Defense in Prosecution under ORS 164.162; applicability of ORS 164.162” as now constituted, are hereby incorporated into this code.

Section 4. BC 5.08.662, Interfering with Making a Report. ORS 165.572, “Interfering with the Making of a Report,” as now constituted, is hereby incorporated into this code.

Section 5. BC 5.08.720, Unlawful Possession of Inhalants. ORS 167.808, “Unlawful Possession of Inhalants,” as now constituted, is hereby incorporated into this code.

Section 6. BC 5.08.730, Unlawful Directing of Light from a Laser Pointer. ORS 163.709, “Unlawful Directing of Light from a Laser Pointer,” as now constituted, is hereby incorporated into this code.

The following provisions of the Beaverton Code are hereby amended:

Section 7. BC 5.08.010, Definitions for BC 5.08.010 to 5.08.800, is hereby amended to read:

“5.08.010 Definitions for BC 5.08.010 to 5.08.800. The definitions contained in the Oregon Criminal Code of 1971, as now constituted, are incorporated into this code. A definition provided under state law and made applicable to a provision of the Oregon Revised Statutes that is incorporated by reference into this code at BC 5.08.010 to 5.08.800 applies in similar manner to those provisions of BC 5.08.010 to 5.08.800.”

Section 8. BC 5.08.015, Application of State Statutes, is hereby amended to read:

“5.08.015 Application of State Statutes.

A. Provisions of the Oregon Criminal Code of 1971, as now constituted, relating to principles (ORS 161.005 to 161.067), criminal liability (ORS 161.085 to 161.125), parties to crime (ORS 161.150 to 161.175), justification (ORS 161.190 to 161.275) and responsibility (ORS 161.290 to 161.400), fines for corporations (ORS 161.655) and effect of non-payment of fines, restitution or costs (ORS 161.685) apply to offenses defined and made punishable by BC 5.08.010 to 5.08.800. Reference contained therein to an offense defined by the Oregon Revised Statutes and incorporated herein shall be deemed a reference to the provision of this code that incorporates by reference the offense defined by the Oregon Revised Statutes.

B. Except as otherwise expressly provided, or unless the context requires otherwise, the provisions of this section shall govern the construction of and punishment of any offense defined outside of BC .08.010 to 5.08.800, as well as the construction and application of any defense to a prosecution for such an offense.”

Section 9. BC 5.08.100, Assault, is amended to read:

“5.08.100 Assault. ORS 163.160, assault in the fourth degree, Subsections

(1) and (2), as now constituted, are hereby incorporated into this code.”

Section 10. BC 5.08.133, Telephonic Harassment, is amended to read:

“5.08.133 Telephonic Harassment. ORS 166.090, telephonic harassment, as now constituted, is hereby incorporated into this code.”

Section 11. BC 5.08.305, Public Indecency, is amended to read:

“5.08.305 Public Indecency. ORS 163.465, public indecency, Subsections (1) and (2)(a), as now constituted, are hereby incorporated into this code.”

Section 12. BC 5.08.405, Trespass, is amended to read:

“5.08.405 Trespass. ORS 164.245, criminal trespass in the second degree, as now constituted, is hereby incorporated into this code.”

Section 13. BC 5.08.406, Trespass in the First Degree, is amended to read:

“5.08.406 Trespass in the First Degree. ORS 164.255, trespass in the first degree, as now constituted, is hereby incorporated into this code.”

Section 14. BC 5.08.500, Endangering the Welfare of a Minor, is amended to read:

“5.08.500 Endangering the Welfare of a Minor. ORS 163.575, endangering the Welfare of a Minor, as now constituted, is hereby incorporated into this code.”

Section 15. BC 5.08.503, Posting of Signs Concerning Sale of Tobacco Devices, is amended to read:

“5.08.503 Posting of Signs Concerning Sale of Tobacco Devices. ORS 163.580, posting of signs concerning sale of smoking devices, as now constituted, is hereby incorporated into this code.”

Section 16. BC 5.08.507, Failing to Supervise a Child, is amended to read:

“5.08.507 Failing to Supervise a Child. ORS 163.577, failing to supervise a child, as now constituted, is hereby incorporated into this code.”

Section 17. Subsection C of BC 5.08.535, Child Confined in a Vehicle, is amended to read:

"C. A person who violates this section commits a Class A violation."

Section 18. BC 5.08.610, Assaulting an Officer, is amended to read:

"5.08.610 Assaulting an Officer. ORS 163.208, assaulting a public safety officer, as now constituted, is hereby incorporated into this code."

Section 19. BC 5.08.626, Giving False Information to a Police Officer for a Citation, is amended to read:

"5.08.626 Giving False Information to a Police Officer for a Citation. ORS 162.385, giving false information to a police officer for a citation, as now constituted, is hereby incorporated into this code."

Section 20. BC 5.08.645, Refusing to Assist An Officer, is amended to read:

"5.08.645 Refusing to Assist An Officer. ORS 162.245, refusing to assist a peace officer, as now constituted, is hereby incorporated into this code."

Section 21. Subsection A of BC 5.08.650, Failure to Appear, is amended to read:

"A. ORS 162.195, failure to appear in the second degree, as now constituted, is hereby incorporated into this code."

Section 22. BC 5.08.660, Interfering with a Police Officer, is amended to read:

"5.08.660 Interfering with a Police Officer. ORS 162.247, interfering with police, as now constituted, is hereby incorporated into this code."

Section 23. Subsection D of BC 5.08.800, Penalties, is hereby amended, and sections E, F, G and H are added as follows:

"D. Unless otherwise provided, violation of any provision of BC 5.08.100 to 5.08.770 designated as a class A violation is punishable, upon conviction, by a fine not to exceed \$600.

E. Unless otherwise provided, violation of any provision of BC 5.08.100 to 5.08.770 designated as a class B violation is punishable, upon conviction, by a fine not to exceed \$300.

F. Unless otherwise provided, violation of any provision of BC 5.08.100 to

5.08.770 designated as a class C violation is punishable, upon conviction, by a fine not to exceed \$150.

G. Unless otherwise provided, violation of any provision of BC 5.08.100 to 5.08.770 designated as a class D violation is punishable, upon conviction, by a fine not to exceed \$75.

H. The amount otherwise established by law for any specific fine violation."

Section 24. Subsection A of BC 6.02.020, Applicability of State Traffic Laws, is amended to read:

"A. Violation of a provision of the Oregon Vehicle Code, as now constituted, is an offense against this city, punishable as provided by state law."

First reading this 1st day of May, 2000.

Adopted by the Council this 8th day of May, 2000.

Approved by the Mayor this 9th day of MAY, 2000.

ATTEST:

Darleen Cogburn
DARLEEN COGBURN, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor