

ORDINANCE NO. 4182  
AN ORDINANCE RELATING TO PRIVACY, AMENDING  
THE BEAVERTON CODE TO RESTORE THE CRIME OF  
VIOLATING THE PRIVACY OF ANOTHER

WHEREAS, the City has home rule authority to regulate criminal conduct that is not preempted by state law; and

WHEREAS, state law does not adequately protect persons in their homes from wrongdoers who enter land and peer through windows and doors to view persons in their homes conducting private affairs, such wrongdoers along with their activity sometimes being called “peeping tom;” and

WHEREAS, it is a matter of public concern to protect persons from “peeping tom,” conduct by restoring the offense of Violating Privacy of Another to the Beaverton Code; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

**Section 1.** Chapter 5 of the Beaverton Code is amended to add the following section.

**5.08.408 Violating Privacy of Another**

A. A person commits the crime of violating the privacy of another if the person knowingly enters the land, dwelling, or other property of another, and while thus situated looks through or attempts to look through a window, door or transom of a dwelling, with the intent to violate the privacy of another.

B. The provisions of this section do not apply to:

1. Any activity undertaken in the course of bona fide law enforcement or corrections activity or necessary to the proper functioning of the criminal justice system.
2. Bona fide fire, life safety, first responder, or other rescue activity in response to reports of, actual, imminent, or threatened physical injury or property damage.

C. As used in this section, except as the context requires otherwise:

1. “Enter,” means entry into or upon the land, dwelling or other property of another without the permission of the owner thereof or other person entitled to possession, or at times when the entrant is not otherwise licensed or privileged to enter, or in a manner that violates a covenant, condition, or other restriction upon the person of the person’s use of the land, dwelling or other property.

2. "Land," means privately-owned real property upon and within the bounds of which stands a dwelling or other building, including the yards or landscaped areas surrounding or adjacent to a dwelling or building. Varying ownerships may comprise a given piece of land.

3. "Dwelling," means a building that in whole or in part, on either a regular or intermittent basis, is intended for occupancy by a person lodging therein. Where a building consists of separate dwelling units, including but not limited to separate apartments or rented rooms, each unit is, in addition to being a part of such building, a separate dwelling.

4. "Violate the privacy of another," refers to a person's act of obtaining views of another person in the other person's dwelling in a manner that violates a privacy interest of the other person protected under state or federal law.

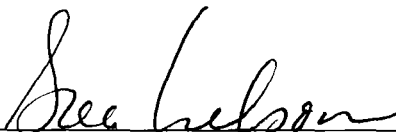
**D. Violating the Privacy of Another is a Class A Misdemeanor.**


**Section 2.** In the adoption of this Ordinance the Council intends that if a court of competent jurisdiction determines any part of the Ordinance is unconstitutional or illegal, the remaining parts of the Ordinance shall remain in full force unless (1) the court determines the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional part that it is apparent the remaining parts would not have been enacted without the unconstitutional part, or (2) the remaining parts, standing alone, are incomplete and incapable of execution in accordance with legislative intent.

First reading this 15 day of October, 2001.

Passed by the Council this 5<sup>th</sup> day of November, 2001.

Approved by the Mayor this 6<sup>th</sup> day of November, 2001.

  
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SUE NELSON, City Recorder

  
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ROB DRAKE, Mayor