

ORDINANCE NO. 4196

**AN ORDINANCE ADDING, AMENDING,
AND REPEALING CERTAIN PROVISIONS OF
CHAPTERS FIVE, SIX, AND SEVEN
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 5.08.701, Sexual Assault of an Animal, is hereby added to the Beaverton Code and shall read as follows:

“5.08.701 Sexual Assault of an Animal. 2001 Oregon Laws, Chapter 926 Section 5b, Sexual Assault of an Animal, as now constituted, is hereby incorporated into this code.”

Section 2. BC 5.08.707, Unlawful Possession of a Domestic Animal, is hereby added to the Beaverton Code and shall read as follows:

“5.08.707 Unlawful Possession of a Domestic Animal. 2001 Oregon Laws, Chapter 926 Section 3, Unlawful Possession of a Domestic Animal, as now constituted, is hereby incorporated into this code.”

Section 3. BC 5.08.101, Vehicular Assault of a Bicyclist or Pedestrian, is hereby added to the Beaverton Code and shall read as follows:

“5.08.101 Vehicular Assault of a Bicyclist or Pedestrian. 2001 Oregon Laws, Chapter 635, Section 5, Vehicular Assault of a Bicyclist or Pedestrian, as now constituted, is hereby incorporated into this code.”

Section 4. BC 5.08.721, Unlawful Distribution of Cigarettes, is hereby added to the Beaverton Code and shall read as follows:

“5.08.721 Unlawful Distribution of Cigarettes. 2001 Oregon Laws Chapter 696, Section 3, Unlawful Distribution of Cigarettes, as now constituted, is hereby incorporated into this code.”

Section 5. BC 5.08.717, Falsifying Drug Test Results, is hereby added to the Beaverton Code and shall read as follows:

“5.08.717 Falsifying Drug Test Results. 2001 Oregon Laws, Chapter 700, section 2,

Falsifying Drug Test Results, as now constituted, is hereby incorporated into this code.”

Section 6. BC 5.08.718, Providing Drug Test Falsification Equipment, is hereby added to the Beaverton Code and shall read as follows:

“5.08.718 Providing Drug Test Falsification Equipment. 2001 Oregon Laws, Chapter 700, Section 3, Providing Drug Test Falsification Equipment, as now constituted, is hereby incorporated into this code.”

Section 7. BC 5.08.735, Improper Repair of a Vehicle Inflatable Restraint System, is hereby added to the Beaverton Code and shall read as follows:

“5.08.735 Improper Repair of a Vehicle Inflatable Restraint System. 2001 Oregon Laws, Chapter 439, Section 1, Improper Repair of a Vehicle Inflatable Restraint System, as now constituted, is hereby incorporated into this code.”

The following provisions of the Beaverton Code are hereby amended:

Section 8. 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 9. BC 5.08.015, Applications 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 to 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 an punishment of any offense defined outside of BC 5.08.010 to 5.08.800, as well as the construction and application of any defense to a prosecution for such an offense.”

Section 10. BC 5.08.115, Disorderly Conduct, is hereby amended to read:

“5.08.115 Disorderly Conduct. ORS 166.025, as now constituted, is hereby incorporated into this code.”

Section 11. BC 5.08.130, Harassment, is hereby amended to read:

“5.08.130 Harassment. ORS 166.065, as now constituted, is hereby incorporated into this code.”

Section 12. BC 5.08.140, Interfering with Public Transportation, is hereby amended to read:

“5.08.140 Interfering with Public Transportation. ORS 166.115, as now constituted is hereby incorporated into this code.”

Section 13. BC 5.08.320, Sexual Abuse, is hereby amended to read:

“5.08.320 Sexual Abuse.

A. ORS 163.415, sexual abuse in the third degree, as now constituted, is hereby incorporated into this code.

B. ORS 163.315, incapacity to consent, ORS 163.325, ignorance or mistake as a defense, and ORS 163.345, age as a defense in certain cases, as now constituted, are hereby incorporated into this code.”

Section 14. BC 5.08.406, Trespass in the First Degree, is hereby 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 15. BC 5.08.410, Invasion of Personal Privacy, is hereby amended to read:

“5.08.410 Invasion of Personal Privacy.

A. ORS 163.700, invasion of personal privacy, as now constituted, is hereby incorporated into this code.

B. ORS 163.702, exceptions to ORS 163.700, as now constituted, is hereby incorporated into this code.”

Section 16. BC 5.08.423, Computer Crime, is hereby amended to read:

“5.08.423 Computer Crime. Subsections (1), (4), and (5)(a) of ORS 164.377, Computer Crime, as now constituted, is hereby incorporated into this code.”

Section 17. BC 5.08.465, Improper Use of 9-1-1 Emergency Reporting System, is hereby amended to read:

“5.08.465 Improper Use of an Emergency Reporting System. ORS 165.570, Improper Use of an Emergency Reporting System, as now constituted, is hereby incorporated into this code.”

Section 18. BC 5.08.650, Failure to Appear in the Second Degree, is hereby amended to read:

“5.08.650 Failure to Appear in the Second Degree.

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

B. ORS 162.193, failure to appear; counsel for defendant cannot be witness; exception, as now constituted, is hereby incorporated into this code. Reference therein to ORS 162.195 shall be deemed a reference to this section.”

Section 19. BC 5.08.703, Animal Abuse in the First Degree, is amended to read:
“5.08.703 Animal Abuse in the First Degree. ORS 167.320(1) –(3) Animal Abuse in the First Degree, as now constituted, is hereby incorporated into this code.”

Section 20. BC 5.08.706, Animal Neglect in the First Degree, is amended to read:
“5.08.706 Animal Neglect in the First Degree. ORS 167.330, Animal Neglect in the First Degree, as now constituted, is hereby incorporated into this Code.”

Section 21. BC 5.08.708, Animal Abandonment, is amended to read:
“5.08.708 Animal Abandonment. ORS 167.340, Animal Abandonment, as now constituted, is hereby incorporated into this code.”

Section 22. BC 5.08.709, Forfeiture of Rights in Mistreated Animals, is amended to read:
“5.08.709 Forfeiture of Rights in Mistreated Animals. ORS 167.350, Forfeiture of Rights in Mistreatment Animals; costs; disposition of animal, as now constituted, is hereby incorporated into this code. Reference therein to ORS 167.315 to 167.330 and ORS 167.340 shall be deemed a reference to BC 5.08.702 to 5.08.706 and 5.08.708.”

Section 23. 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 by state law.”

The following provisions of the Beaverton Code are hereby repealed:

Section 24. The following provisions of the Beaverton Code are hereby repealed:
“BC 5.08.610 Assaulting an Officer.
BC 5.08.665 Simulating Legal Process.
BC 5.05.045 Private Enclosures for Motion Picture Viewing.
BC 7.14.005 thru 7.14.095 Relaxation Treatment Ordinance.”

First reading this 4th day of February, 2002.

Adopted by the Council this 11th day of February, 2002.

Approved by the Mayor this 12th day of FEBRUARY, 2002.

ATTEST:

SUE NELSON, City Recorder

APPROVED:

ROB DRAKE, Mayor