

**AN ORDINANCE ADDING AND AMENDING
CERTAIN PROVISIONS OF CHAPTERS 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 5.08.102, Strangulation, is hereby added to read:

“5.08.102 Strangulation. ORS 163.187, strangulation, as now constituted, is hereby incorporated into this code.”

Section 2. BC 5.08.414, Criminal Trespass at a Sports Event, is hereby added to read:

“5.08.414, Criminal Trespass at a Sports Event.

A. ORS 164.274, definitions for ORS 164.276 and 164.278, as now constituted, is hereby incorporated into this code.

B. ORS 164.276, authority to sports official to expel persons from sports event, as now constituted, is hereby incorporated into this code.

C. ORS 164.278, criminal trespass at a sports event, as now constituted, is hereby incorporated into this code.”

Section 3. BC 5.08.661, Interfering with a Firefighter or Emergency Medical Technician, is hereby added to read:

“5.08.661 Interfering with a Firefighter or Emergency Medical Technician. ORS 162.257, interfering with a firefighter or emergency medical technician, as now constituted, is hereby incorporated into this code.”

Section 4. BC 5.08.740, Possession of Burglary Tool or Theft Device, is hereby added

to read:

“5.08.740 Possession of Burglary Tool or Theft Device. ORS 164.235, possession of burglary tool or theft device, as now constituted, is hereby incorporated into this code.”

The following provisions of the Beaverton Code are hereby amended:

Section 5. 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 6. 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 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 7. BC 5.08.137, Abuse of a Memorial to the Dead, is hereby amended to read:

“5.08.137 Abuse of a Memorial to the Dead. ORS 166.076, abuse of a memorial of the dead, as now constituted, is hereby incorporated into this code.”

Section 8. BC 5.08.140, Interfering with Public Transportation., is hereby amended to read:

“5.08.140 Interfering with Public Transportation. ORS 166.116,

interfering with public transportation, as now constituted, is hereby incorporated into this code.”

Section 9. 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 10. BC 5.08.507, Failing to Supervise a Child, is hereby 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 11. BC 5.08.611, Interfering with Law Enforcement Animal, is hereby amended to read:

“5.08.611 Interfering with Law Enforcement Animal. ORS 167.337, interfering with law enforcement animal, as now constituted, is hereby incorporated into this code.”

Section 12. BC 5.08.620, Impersonation, is hereby amended to read:

“5.08.620 Impersonation. ORS 162.365(1)-(3)(a), impersonation, as now constituted, is hereby incorporated into this code.”

Section 13. BC 5.08.626, Giving False Information to a Peace Officer for a Citation or Arrest Warrant, is hereby amended to read:

“5.08.626 Giving False Information to a Peace Officer for a Citation or Arrest Warrant. ORS 162.385, giving false information to a peace officer for a citation or arrest warrant, as now constituted, is hereby incorporated into this code.”

Section 14. 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 15. BC 5.08.701, Sexual Assault of an Animal, is hereby amended to read:

"5.08.701 Sexual Assault of an Animal.

A. ORS 167.333, sexual assault of an animal, as now constituted, is hereby incorporated into this code.

B. ORS 167.334, evaluation of person convicted of violation ORS 167.333, as now constituted, is hereby incorporated into this code."

Section 16. BC 5.08.707, Unlawful Possession of a Domestic Animal, is hereby amended to read:

"5.08.707 Unlawful Possession of a Domestic Animal. ORS 167.332, unlawful possession of a domestic animal, as now constituted, is hereby incorporated into this code."

Section 17. BC 5.08.718, Falsifying Drug Test Results, is hereby amended to read:

"5.08.718 Falsifying Drug Test Results. ORS 475.981, falsifying drug test results, as now constituted, is hereby incorporated into this code."

Section 18. BC 5.08.719, Providing Drug Test Falsification Equipment, is hereby amended to read:

"5.08.719 Providing Drug Test Falsification Equipment. ORS 475.982, providing drug test falsification equipment, as now constituted, is hereby incorporated into this code."

Section 19. BC 5.08.721, Unlawful Distribution of Cigarettes, is hereby amended to read:

"BC 5.08.721 Unlawful Distribution of Cigarettes. ORS 323.482 (1), (2), (2)(a) and (3)-(6), unlawful distribution of cigarettes, as now constituted, is hereby incorporated into this code."

Section 20. BC 5.08.735, Improper Repair of a Vehicle Inflatable Restraint System, is hereby amended to read:

"5.08.735 Improper Repair of a Vehicle Inflatable Restraint System. ORS 167.822, improper repair of a vehicle inflatable restraint system, as now constituted, is hereby incorporated into this code."

Section 21. Subsection D of BC 5.08.800, Penalties, is hereby amended, and sections E, F, G and H are added as follows:

"A. Violation of any provision of BC 5.08.100 to 5.08.770 designated as

a class A misdemeanor is punishable, upon conviction, by a fine not to exceed \$6,250, imprisonment not to exceed one year, or both.

B. Violation of any provision of BC 5.08.100 to 5.08.770 designated as a class B misdemeanor is punishable, upon conviction, by a fine not to exceed \$2,500, imprisonment not to exceed six months, or both.

C. Violation of any provision of BC 5.08.100 to 5.08.770 designated as a class C misdemeanor is punishable, upon conviction, by a fine not to exceed \$1,250, imprisonment not to exceed 30 days, or both.

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 \$720.

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 \$360.

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 \$180.

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 \$90.

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

Section 22. Subsection A of BC 6.02.020, Applicability of State Traffic Laws, is hereby 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 3rd day of May, 2004.

Adopted by the Council this 10th day of May, 2004.


Approved by the Mayor this 11th day of May, 2004.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor