

Chapter 9.16

OFFENSES RELATING TO PROPERTY

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ARTICLE I. OFFENSES INVOLVING ANIMALS

9.16.010 Securing animals properly. A. It is unlawful for any person or persons to leave any horse or horses, mule or mules, or any other beast of burden on the streets without first properly securing the same, or to tie any horse or horses, mule or mules, or any other beast of burden, or cattle of any description whatsoever, to any telegraph or telephone pole, or to any lamp post, water hydrant, private fence, shade tree, or awning post;

B. A violation of this section shall be a violation. (Ord. 521 §7(a), 1986)

9.16.020 Staking animals. A. It is unlawful for any owner, or keeper of any horse, mare, gelding, mule, ass, jenny, foal, bull, stag, cow, ox, steer, heifer, calf, sheep, or goat to tie or stake the same upon any street for the purpose of grazing, or to tie or stake the same upon any private lot where such animal can reach any street or sidewalk;

B. A violation of this section shall be a violation. (Ord. 521 §7 (b), 1986)

9.16.030 Animals running at large. A. It is unlawful for any person, firm, or corporation to suffer or permit any horse, cattle, sheep, goat, hog, mule, ass, dog or any domestic fowl of any kind or description to run at large.

B. A violation of this section shall be a violation. (Ord. 521 §7(c), 1986)

ARTICLE II. OFFENSES RELATING TO STREETS, SIDEWALKS AND BUILDING ENTRANCES

9.16.040 Obstructing streets and sidewalks. A. It is unlawful for any person to place or deposit upon any street or sidewalk any article which tends to prevent, interrupt or obstruct the travel or free passage of pedestrian and vehicular traffic, or to stand upon any sidewalk or street crossing so as to prevent, interrupt, or obstruct travel or free passage over the same by the public or for any person to fail or refuse to disperse or move on when directed to do so by any peace officer.

B. A violation of this section shall be a violation. (Ord. 521 §8(a), 1986)

9.16.050 Playing ball games on streets. A. It is unlawful for any person or persons to play baseball, football, or any other kind of ball game on the city streets.

B. A violation of this section shall be a violation. (Ord. 521 §8(b), 1986)

9.16.060 Vending of goods by public outcry. A. It is unlawful for any person to use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares, or merchandise by public outcry or otherwise; provided, however, that this section shall not apply to the vending of merchandise by persons having a legal permit so to do under the ordinances of the city.

B. A violation of this section shall be a violation.
(Ord. 521 §8(c), 1986)

9.16.070 Deposit of injurious substances on streets. A. It is unlawful for any person wilfully to place or deposit upon any street or public way any substance tending to mar the appearance or to detract from the cleanliness or safety of such street or public way.

B. A violation of this section shall be a violation.
(Ord. 521 §8(d), 1986)

9.16.080 Driving on sidewalks. A. It is unlawful for any person to ride or drive any horse or other animal, bicycle or any motor vehicle upon, over, or across any sidewalk except where a proper incline or crossing is provided for that purpose.

B. A violation of this section shall be a violation. (Ord. 521 §8(e), 1986)

9.16.090 Obstructing building entrances. A. It is unlawful for any person to obstruct any entrance, stairway, or hall leading to any building.

B. A violation of this section shall be a violation. (Ord. 521 §8(f), 1986)

ARTICLE III. OFFENSES RELATING TO PROPERTY

9.16.100 Surface water drainage. A. It is unlawful for the owner, lessee, or occupant of any building or structure to suffer or permit rainwater, ice, or snow to fall from any such building or structure upon any street or sidewalk or to flow across any such sidewalk, and every such owner, lessee, or occupant shall at all times keep and maintain in a proper state of repair adequate drainpipes or drainage system sufficient to carry to the street any overflow water accumulating on the roof or about such building.

B. A violation of this section shall be a violation. (Ord. 521 §9(a), 1986)

9.16.110 Ice and snow removal. A. It is the duty of the owner, lessee, occupant, or person having the control or custody of any premises or unimproved property to remove all snow or ice which has fallen or has accumulated upon the sidewalks abutting upon such premises or property within two hours after such snow or ice has ceased to fall thereon; provided however, that if such snow is falling or such ice accumulating after the hour of six p.m., the same shall be removed within two hours after seven a.m. on the next succeeding day, as the case may be.

B. A violation of this section shall be a violation. (Ord. 521 §9(b), 1986)

9.16.120 Defacement of posted notices. A. It is unlawful for any person wilfully to deface or tear down any official notice or bulletin posted in conformity with the law.

B. A violation of this section shall be a violation. (Ord. 521 §9(c), 1986)

9.16.130 Unauthorized posters. A. It is unlawful for any person to affix a placard, bill, or poster upon any personal or real property, private or public, without first obtaining permission of the owner or proper public authority.

B. A violation of this section shall be a violation. (Ord. 521 §9(d), 1986)

9.16.140 Soliciting. A. Definition. For purposes of this Section, the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing.

B. Prohibited Acts, Penalties.

1. It is unlawful for any person to:

a. Solicit before 9:00 a.m., or after 9:00 p.m. when the local time is daylight savings time, or after 8:00 p.m. when the local time is standard time, without the consent of the occupant to do so.

b. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.

c. Leave written materials upon real property where a sign conforming to the requirements of this Section is posted.

d. Solicit upon real property where a sign conforming to the requirements of this Section is posted.

2. Violation of (1)(a), (b), or (c) of this section is punishable as a civil violation.

3. Violation of (1)(d) of this section is punishable as a criminal trespass in the second degree, pursuant to Scappoose Municipal Code Section 9.08.010(D)(3).

C. Consent to Enter Onto Real Property, Exemptions.

1. It shall be an affirmative defense to an alleged violation of Section (1)(a), (c) or (d) that the person charged with the violation or crime had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

2. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 9:00 p.m., when the local time is daylight savings time, or between 9:00 a.m. and 8:00 p.m., when the local time is standard time, if they have not posted a "No Solicitation" sign pursuant to this Section.

3. Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

4. Officers, employees, or agents of a governmental entity, while performing activities within the scope of their office, employment or agency, are exempt from the requirements of this Section.

5. No person may be charged with a violation of this Section in connection with an act committed between 4:00 p.m. and 9:00 p.m. on each October 31st.

D. "No Solicitation" Sign.

1. An occupant of real property who chooses to not invite solicitors onto his or her property may post a "No Solicitation" sign pursuant to this Section. The effect of such posting is to express the refusal of consent to any person to enter onto such real property to solicit, except to those persons exempt from these provisions by subsections C(4) and C(5) of this Section.

2. Signs posted pursuant to this Section shall be posted on or near the boundaries of the property at the normal points of entry, or at the normal point of entry, or both, and must contain the words "No Solicitation" or "No Solicitors" or words to that effect in characters no less than 1" in height.

E. Evidentiary Matters. It shall be prima facie evidence of a violation of this Section if written material is found on real property upon which a sign conforming to the requirements of this Section has been posted. The person responsible for such written material shall be the person identified in the written material as its proponent, sponsor, distributor or potential beneficiary of the communication conveyed. (Ord. 750 §3, 2004)