

ORDINANCE NO. 415

**AN ORDINANCE AMENDING SECTION 4.450 ACTS PROHIBITED AT NIGHT,
SECTION 4.455 JUVENILE CURFEW-EXCEPTIONS AND SECTION 4.990(2)
PENALTIES OF ORDINANCE NO. 259 GENERAL OFFENSES**

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

The following is hereby adopted as provisions of the Drain offense code regarding nighttime activities and Ordinance No. 259 is amended to read as follows:

4.450 ACTS PROHIBITED AT NIGHT.

(A) Rules and regulations of cemeteries are adopted by resolution for use, care, control, management, restriction and protection of both the North and East municipal cemeteries.

(B) Between the hours of 30 minutes after sunset and 6:00 a.m. of the succeeding day, no person shall be in a city park unless driving, bicycling, walking or otherwise moving through the park on lawful business within a public street right-of-way or officially designated bicycle path or sidewalk, or authorized to be in the park by the city administrator or the city administrator's designee.

(C) As used herein, "city park" is defined to be Anna Drain Park & Swimming Pool area, Drain Civic Center area and Grant Levins Pavilion & Covered Bridge areas.

(D) Upon finding it to be in the public interest and consistent with city goals and policies, the City Council may, by motion, exempt a special event from the prohibitions of subsection (B) of this section. The motion shall specify the period of time and the location covered by the exemption.

4.455 JUVENILE CURFEW; EXCEPTIONS.

(A) No minor shall be in or upon any street, highway, park, alley or other public place between the hours of 11:00 p.m. and 4:00 a.m. of the following morning, unless:

(1) Such minor is accompanied by a parent, guardian or other person eighteen (18) years of age or over and authorized by the parent or by law to have care and custody of said minor; or

(2) Such minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or

(3) The minor is emancipated pursuant to Oregon Revised Statutes 419B.550 to 419B.558.

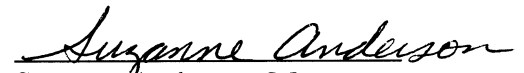
(B) No parent, guardian or person having the care and custody of a minor under the age of eighteen (18) years, shall allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in subsection (A) above, except as otherwise provided in that subsection.

(C) Any minor who violates subsection (1) of this section may be taken into custody as provided in Oregon Revised Statutes 419C.080, 419C.085 and 419C.088, and may be subject to further proceedings as provided in Oregon Revised Statutes chapter 419C.

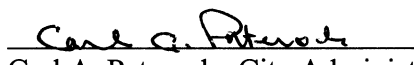
4.990 PENALTIES – SPECIFIC.

(2) Violation of sections 4.450 and 4.455 is punishable by fine not to exceed \$500.00.

**PASSED BY CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY,
OREGON, THIS 11TH DAY OF JANUARY, 2010.**


Suzanne Anderson, Mayor

ATTEST:


Carl A. Patenode, City Administrator