

PART 10

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SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 10-102 AIDING IN AN OFFENSE

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

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SECTION 10-201 PETIT LARCENY PROHIBITED

- A. Petit larceny is the taking or embezzling of personal property of value not exceeding Fifty Dollars (\$50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.
- B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, or loiter an automobile or other vehicle belonging to another, without the consent of the owner or in charge thereof.

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SECTION 10-203 DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY

It is unlawful for any person to throw or shoot any stone or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES

- A. It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water, electricity, telephone or cable television and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, electricity, telephone or cable signals without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.
- B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine.

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SECTION 10-207 THROWING ADVERTISING ON STREET, PROHIBITED

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

SECTION 10-208 THROWING INJURIOUS SUBSTANCES

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

SECTION 10-209 INJURY TO PLANTS AND TREES

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the city, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground.

SECTION 10-210 PUBLIC STREETS AND TREES

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city;
2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the city;
4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the city; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the city inspector to do so.

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Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or city engineer.

SECTION 10-211 TRESPASS PROHIBITED

- A. For the purpose of this section, the following terms shall be defined as follows:
1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
 2. "Private property" means any property other than public property; and
 3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.
- B. It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

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SECTION 10-212 PARKING ON PROPERTY OF ANOTHER

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance.

SECTION 10-213 INTERFERENCE WITH FIRE HYDRANTS

- A. It is unlawful for any person except one duly authorized by the city utility superintendent or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the city.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.

SECTION 10-214 OFFENSE TO LEAVE OR DEPOSIT TRASH ON ANY OTHER PROPERTY WITHOUT PERMISSION

- A. It is unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, vegetation, refuse or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, drainage area, creek or river, public parks or recreation areas or any other public property except that designated for such use.
- B. The solid waste disposed of unlawfully as provided in subsection A which contains three (3) or more items bearing a common address in the form which tends to identify the owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal, provided that one of the items of solid waste bears a date subsequent to February 2, 1987.

SECTION 10-215 DESTRUCTION OR DAMAGE TO MAILBOXES

It is unlawful for any person to destroy, damage, injure or deface any mailbox or other receptacle intended or used for the receipt or delivery of mail.

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SECTION 10-216 DEPOSITING SOLID WASTE ON PROPERTY OF ANOTHER PRESUMPTION

- A. It is unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas or upon any other public property except that designated for such use.
- B. Solid waste disposed unlawfully as provided in Subsection A of this section which contains three (3) or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.
- C. Any person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in Section 1-108 of this code. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense.

SECTION 10-217 GASOLINE PUMP THIEVERY

Any person who pumps gasoline and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of an offense.

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- Section 10-305 Carrying concealed weapons, discharge firearms
- Section 10-306 Reckless conduct
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SECTION 10-301 DISTURBING THE PEACE

- A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.
- B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
 - 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct; or
 - 2. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

SECTION 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE

- A. It is unlawful for any person, firm or corporation within the city to display any sign, emblem, badge, tag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

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- B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:
1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
 2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

SECTION 10-303 FIREWORKS RESTRICTED

- A. The word "fireworks" as used in this section shall be as defined in Section 1622 of Title 68 of the Oklahoma Statutes.
- B. It is unlawful for any person to sell, manufacture, deliver or offer for retail sale fireworks within the city. The sale of fireworks is permitted in the city limits, outside the business district, with the following restrictions:
1. The sale of fireworks will be lawful only upon the issuance of a valid and current city permit;
 2. The sale of fireworks shall only occur between the dates of June 15 through July 4 of each year;
 3. No person under the age of 16 shall be authorized to sell fireworks;
 4. The permit issued by the city shall restrict the location of sales, pursuant to state law, and shall further provide that any structure used for the sale of fireworks shall be removed no later than July 18.
 5. All applications for permits must be submitted to the City no later than June 25.
- C. It is unlawful to discharge, fire, explode or ignite fireworks at any time in the business district, and on any day except July 3 and July 4 only between the hours of 10:00 AM and 12:00 midnight of each year.
- D. Fireworks displays may be authorized by the city in accordance with the city's Fire Prevention Code

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SECTION 10-304 STORING OR KEEPING EXPLOSIVES

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, blasting powder, or any other highly explosive material or substance, except that gunpowder may be kept in approved quantities if the same can be securely and safely kept and in accordance with city ordinances and state laws.

SECTION 10-305 CARRYING CONCEALED WEAPONS. DISCHARGE FIREARMS

- A. It is unlawful for any person to carry concealed upon or about his person any firearm or any weapon such as a bowie knife, dirk, dagger, metal knuckle, switchblade knife or other dangerous or deadly weapon or instrument, except when doing so in line of duty or as may be permitted by state law.
- B. It is unlawful for any person to discharge a firearm in the city except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when otherwise authorized by state law or ordinance.

SECTION 10-306 RECKLESS CONDUCT

It is unlawful for any person to engage in reckless conduct while having in his possession any firearm, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

SECTION 10-307 LOUD SOUND UNECESSARY NOISE PROHIBITED

- A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- B. Permits and exceptions may be granted by the city for certain activities and events which are exempt from the provisions of this section.

SECTION 10-308 LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED

- A. It is unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, to emit loud music, noise or words. However, this shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

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- B. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) feet or more from the vehicle.
- C. For the purpose of this section:
 - 1. "Sound amplification system" means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of the human voice;
 - 2. "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.
- D. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
 - 1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 - 2. The vehicle was an emergency or public safety vehicle;
 - 3. The vehicle was owned and operated by the city or public or private utility company;
 - 4. The vehicle was used in authorized public activities, such as parades, fireworks, sports events or other activities which have been approved by the city council or city manager.

SECTION 10-309 UNLAWFUL FIGHTING ASSEMBLIES

- A. It is unlawful to engage in a fistic encounter.
- B. It is unlawful to hold an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others, or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously.

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- C. It is unlawful to interrupt any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.
- D. It is unlawful to disturb any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof.

SECTION 10-310 VAGRANCY DEFINED FOR SPECIFIC ACTS

It is unlawful to be a vagrant in the limits of the city. For the purposes of this section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;
2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
4. For the purpose of injuring, destroying, molesting or defacing any property of another;
5. For the purpose of assaulting any person;
6. For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

SECTION 10-311 PLACEMENT OF SIGNS ON PUBLIC RIGHT-OF-WAY

- A. No sign shall be permitted on the right-of-way of a street under any circumstances. Any sign situated in the right-of-way of a public street is hereby declared a public nuisance endangering public safety, and may be impounded by the code official or any police officer of the city. If impounded, a reasonable effort shall be made to determine the

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identity of the sign's owner and, if identified, notice shall be sent by certified mail, return receipt requested, that such sign may be redeemed upon the payment of the charges incurred for the impoundment, including but not limited to removal, transportation, storage, safeguarding and bookkeeping expenses in connection therewith. Such notice shall provide that signs not redeemed within thirty (30) days may be sold or destroyed. A reasonable effort shall be made by the code official to sell those signs which, in his judgment, have salvage value. Any proceeds from the sale, after satisfying the charges incurred for the impoundment, shall be sent to the owner, if known.

- B. In addition to impoundment, any violation of this section whereupon a person unlawfully places a sign in a public right-of-way shall be punishable as provided in Section 1-108 of this code.

SECTION 10-312 SEIZURE DESTRUCTION OR SALE OF WEAPONS USED IN COMMISSION OF CRIME

In addition to penalty provided herein for violation of this code, the judge of the municipal court may order and adjudge any weapon or article specified in this code to be an instrument used in violation of the public safety and in furtherance of a nuisance and may order the same to be destroyed by the chief of police if the article has no value for a lawful purpose; but if it has any value for a lawful purpose it may be ordered by the judge to be held pending a hearing on a date set by the judge to determine whether such weapon shall be confiscated. Any person known to the chief of police to be claiming an interest in such weapon shall be notified in writing of such hearing at least five (5) days prior thereto. Notice given in open court to the person in whose possession the weapon is found shall be sufficient as to that person. Upon such hearing, the court may order the weapon sold or destroyed unless it appears to the court that the owner thereof did not participate in or have knowledge of such violation or the intended use of such weapon. If the weapon is deemed unsafe, it shall not be ordered sold. The weapon, if ordered sold, shall be sold at public auction by the chief of police upon posting of a notice at the police station at least fourteen (14) days prior to the sale. Proceeds shall be paid into the general fund of the city.

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CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

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- Section 10-402 Intoxicating liquors
- Section 10-403 Marijuana prohibited
- Section 10-404 Prostitution
- Section 10-405 Disorderly house
- Section 10-406 Maintaining or leasing disorderly house
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- Section 10-420 Permitting or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages

SECTION 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other city in a state of intoxication.
- B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous or malt liquors, or of any narcotic, to such extent as to deprive the person of his or her full physical or mental power.

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SECTION 10-402 INTOXICATING LIQUORS

It is Unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating liquor or beverage of any kind except as permitted by law;
2. To have in possession or under control any intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the city any intoxicating liquor or beverage except as permitted by law;
3. To loiter in a place where intoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or
4. To keep, maintain, aid, or abet in keeping or maintaining a place where intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-403 MARIJUANA PROHIBITED

A. It is unlawful for any person:

1. To appear or be upon in any street, alley, place of business, or other public place while under the influence of marijuana;
2. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the city;
3. To use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or
4. To loiter about a place where marijuana is sold or furnished illegally.

B. For the purpose of this section, "marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

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SECTION 10-404 PROSTITUTION

- A. It is unlawful for any person to:
1. Be a prostitute;
 2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
 3. Engage in any act of prostitution;
 4. Knowingly let premises for purposes of prostitution;
 5. Conduct a business or premises for prostitution;
 6. Accept or receive the proceeds of any act; or
 7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.
- B. For the purposes of this section:
1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
 2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting to any place with the intention of promoting prostitution; and
 3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-405 DISORDERLY HOUSE

- A. Disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
 2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;

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3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or city ordinance prohibiting gambling.

SECTION 10-406 MAINTAINING OR LEASING A DISORDERLY HOUSE

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

SECTION 10-407 RESIDENTS AND VISITORS TO DISORDERLY HOUSE

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

SECTION 10-408 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;
2. Appear in any public place in the city in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person.

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SECTION 10-409 PUBLICATION, DISTRIBUTION, OR PARTICIPATION PREPARATION OF OBSCENE MATERIAL

- A. It is unlawful for any person to knowingly photograph, act in, pose for, print, sell, possess, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, make display, or exhibit, any obscene book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, drawing, presentation or other material which depicts or describes sexual conduct in a patently offensive manner.
- B. "Sexual conduct" means and includes any of the following:
 - 1. Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; and
 - 2. Representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.
- C. No person shall be convicted under this section unless the material taken as a whole has as the dominant theme an appeal to prurient interest, as found by the average person applying contemporary community standards and the material taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.
- D. Any person violating any of the provisions of this section shall, upon conviction thereof, in the municipal court be punished as provided in Section 1-108 of this code.

SECTION 10-410 ADULT BOOKSTORES PROHIBITED

- A. From and after May 20, 1985, it is unlawful for any person to establish or locate any adult bookstore within the corporate limits of the city.
- B. For the purposes of this section the term "adult bookstore" means any retail or wholesale business which sells or offers for sale any sexually obscene material, as defined by Section 1024.1 of Title 21 of the Oklahoma Statutes, or sexual paraphernalia.
- C. Any person who violates the provisions of this section shall be enjoined from further operating an adult bookstore within the corporate limits of the city and shall in addition thereto be punished as provided in Section 1-108 of this code.

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SECTION 10-411 CURFEW FOR MINORS

- A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:
1. "Minor" is any person under the age of eighteen (18);
 2. "Parent" is any person having legal custody of a minor:
 - a. As a natural or adoptive parent;
 - b. As a legal guardian;
 - c. As a person who stands in loco parentis; or
 - d. As a person to whom legal custody has been given by order of the court;
 3. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above;
 4. "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home;
 5. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the walkway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street;
 6. "Time of night" is based on the prevailing standard of time, whether Central Standard Time or central daylight time, generally observed at that hour by the public;
 7. "Year of age" continues from one birthday, such as the seventeenth (17th) to, but not including the day of, the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".

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- B. It is unlawful for any person seventeen (17) years of age or less to be or remain, in any public place, or upon the streets in the city, on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city between the hours ending at 5:00 AM and beginning at 12:00 midnight on any day unless:
1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;
 2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor;
 3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation; or
 4. The minor is in front of his home or is upon a public sidewalk or at the curb of a street or alley with the permission of the minor's parent, guardian, custodian or other adult person having custody or control of the minor.
- C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.
- D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the city between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:
1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;
 2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or
 3. The parent, guardian or other adult person herein has made a missing person notification to the city police department.

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- E. The council may permit by resolution or motion procedures for advance notice or registration with the city of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The council may also prescribe the procedures for taking into custody minors found in violation of this section.
- F. A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the city who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five (5) consecutive days, or in the alternative, two (2) days of any week for a period not to exceed thirty (30) days. All requests shall be filed with the city clerk of the city.
- G. The chief of police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the chief of police, may file a request for hearing before the judge of the municipal court of the city who shall summarily hear same, and his judgment shall be final.
- H. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court, or may place the minor in the custody of his or her parents or some responsible person.

SECTION 10-412 SLEEPING ON THE STREETS DEPOTS

It is unlawful for any person, between the hours of 12:00 AM midnight and sunrise to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

SECTION 10-413 BEGGING PROHIBITED

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

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SECTION 10-414 GAMBLING PROHIBITED

- A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:
1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;
 2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;
 3. To gamble knowingly in any other manner; or
 4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.
- B. It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

SECTION 10-415 LOITERING ABOUT PLACE WHERE GAMBLING IS GOING ON

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

SECTION 10-416 HARMFUL DECEPTION

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

SECTION 10-417 FALSE OR BOGUS CHECKS

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not

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honored because of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima-facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-418 POSSESSION OF DRUGS AND DRUG PARAPHERNALIA

- A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefore.
- B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the state Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.
- C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the state Uniform Controlled Dangerous Substances Act.
- D. It shall be unlawful for any person to knowingly or intentionally have in his possession any controlled dangerous substance or any drug paraphernalia punishable as a misdemeanor under the Uniform Controlled Dangerous Substances Act, 63 O.S. section 2-101 et seq.

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SECTION 10-419 PREVENTION OF NICOTINE ADDICTION AMONG YOUTH

A. Findings and Intent

The City Council finds that youth addiction to tobacco products is a public health problem with grave health consequences. In recognition that almost 90 percent of all smokers begin smoking by the age of 18, action is needed to curtail the easy access of minors to cigarettes and other addictive tobacco products. Furthermore, the City Council finds that the Oklahoma State Legislature has limited the powers granted to local governments to address the problem of youth access to tobacco. Therefore, the intent of these ordinances is to: 1) implement the strictest and most enforceable system allowed under Oklahoma state law to prevent the illegal sale of cigarettes and other tobacco products to minors; 2) periodically amend and update this ordinance as necessary to best utilize any applicable powers which may be returned to Oklahoma municipalities in the future; and 3) educate, encourage and assist underage tobacco users in ceasing all use of addictive tobacco products, preferable before daily use of such products is initiated.

B. Definitions

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.
2. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.
3. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product.
4. "Sampling" means the distribution of samples to members of the public in a public place.
5. "Tobacco product" means any product that contains tobacco and is intended for human consumption.
6. "Transaction scan" means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification.

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7. "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

C. Furnishing, Giving Or Sale Of Tobacco Products To Minors

a. It is unlawful for any person to sell, give or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

b. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser might be less than eighteen (18) years of age.

c. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not less than eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of subsection b of this section.

1. When a person violates subsection a or b of this section, he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine as follows:

a. Not more than One Hundred Dollars (\$100.00) for the first offense.

b. Not more than Two Hundred Dollars (\$200.00) for the second offense within a two-year period following the first offense.

c. Not more than Three Hundred Dollars (\$300.00) for a third offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding thirty (30) days.

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d. Not more than Three Hundred Dollars (\$300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding sixty (60) days.

2. Pursuant to State law, when it has been determined by a municipal court that a penalty shall include a license suspension, the ABLE Commission will notify the Oklahoma Tax Commission, and the Tax Commission will suspend the store's license to sell tobacco products at the location where the offense occurred for the period of time prescribed by the ABLE Commission.

3. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:

a. The individual who purchased or received the tobacco product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older, and

b. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

D. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection C of this section. An owner of a store licensed to sell tobacco products shall not be deemed in violation of this section for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the

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person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection A or B of this section, each individual franchise or business location shall be deemed a separate entity.

- E.
 - 1. Upon failure of the employee to pay the fine within ninety (90) days of the day of the assessment of such fine, the Municipal Court clerk shall notify the Department of Public Safety and the Department will, pursuant to State law, suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.
 - 2. Upon failure of a storeowner to pay the administrative fine within ninety (90) days of the assessment of the fine, the clerk of the municipal court shall notify the Oklahoma Tax Commission and the Tax Commission shall suspend the store's license to sell tobacco products until proof of payment has been furnished to the Oklahoma Tax Commission.

D. RECEIPT OF TOBACCO PRODUCTS BY A MINOR

- A. It is unlawful for a person who is less than eighteen (18) years of age to purchase, receive or accept receipt of, or have in their possession, a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided, however, it shall not be unlawful for such a person an employee who is less than eighteen (18) years of age to handle such tobacco products when required in the performance of such person's the employee's duties.
- B. When a person violates subsection A of this section he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of:
 - 1. Not to exceed One Hundred Dollars (\$100.00) for a first offense; and
 - 2. Not to exceed Two Hundred Dollars (\$200.00) for a second or subsequent offense within a one-year period following the first offense.

Upon failure of the individual to pay such the fine within ninety (90) days of the day of such the fine, the Municipal Court clerk shall notify the Department of Public Safety and, by operation of State law, the Department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

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E. PROPER SIGNAGE REQUIRED

- A. Every person who sells or displays tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the following: “IT’S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE”. The sign shall also provide the toll-free number operated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.
- B. When a person violates subsection A of this section he or she shall be guilty of an offense and upon conviction shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail.

F. NOTICE TO RETAIL EMPLOYEES

- A. Every person engaged in the business of selling tobacco products at retail store shall notify each individual employed by that person as a retail sales clerk that state and local law:
 - 1. Prohibits the sale or distribution of tobacco products to any person under eighteen (18) years of age and the purchase or receipt of tobacco products by any person under eighteen (18) years of age; and
 - 2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than eighteen (18) years of age.
- B. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the requisite notice by reading and signing a notice stating the following:

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"I understand that state law prohibits the sale or distribution of tobacco products to persons less than eighteen (18) years of age and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be less than eighteen (18) years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension or non-issuance of my driver license. In addition, I understand that violations by me may subject the storeowner to fines or license suspension."

G. LIMITED ACCESS TO VENDING MACHINES

It shall be unlawful for any person to sell tobacco products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices or other places that are not open to the public; and
2. In places that are open to the public, but to which persons under eighteen (18) years of age are not admitted.

H. DISTRIBUTION OF TOBACCO PRODUCT SAMPLES

- A. It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under eighteen (18) years of age.
- B. No person shall distribute tobacco products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.
- C. When a person violates any provision of subsection A or B of this section, he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of:
 1. Not more than One Hundred Dollars (\$100.00) for the first offense.
 2. Not more than Two Hundred Dollars (\$200.00) for the second offense.
 3. Not more than Three Hundred Dollars (\$300.00) for a third or subsequent offense.

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- D. Upon failure of any individual to pay an administrative fine within ninety (90) days of the assessment of such fine, the Municipal Court clerk shall notify the Department of Public Safety, and the Department, pursuant to State law, shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.

I. SALE OF TOBACCO PRODUCTS EXCEPT IN ORIGINAL SEALED PACKAGE

- A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. When a person violates subsection A of this section, the Municipal Court clerk shall assess such person an administrative fine of not more than Two Hundred Dollars (\$200.00) for each offense.

J. NO PUBLIC ACCESS OF TOBACCO

- A. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.
- B. When a person violates subsection A of this section he or she shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) for each offense.

K. RESTRICTIONS ON MANNER OF ENFORCEMENT

- A. Any conviction for a violation of any section within this chapter and any negative results from compliance checks performed by a police officer pursuant to subsection C of this section shall be reported in writing to the ABLE Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.
- B. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized the municipality and reported to the ABLE Commission shall be considered together in such determination.

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- C. Persons under eighteen (18) years of age may be enlisted by the City to assist in conducting compliance checks and enforcement; provided, such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the ABLE Commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE Commission in the manner prescribed by the ABLE Commission. This subsection shall test is being conducted by or on behalf of a retailer of cigarettes, as defined in Section 301 of Title 68 of the Oklahoma Statutes, at any location the retailer of cigarettes is authorized to sell cigarettes. Use of persons under eighteen (18) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of One Hundred Dollars (\$100.00).

L. TRANSFER OF ANY MATERIAL OR DEVICE USED IN SMOKING, CHEWING OR CONSUMPTION OF TOBACCO TO MINORS PROHIBITED – ADMINISTRATIVE FINE FOR VIOLATIONS

- A. It is unlawful for any person to sell, give or furnish in any manner to another person who is under eighteen (18) years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products.
- B. When a person violates subsection A of this section, an administrative fine of not more than One Hundred Dollars (\$100.00) for each offense may be imposed upon the person.

M. INCREASE OF FINES; FEE SCHEDULE

All fines set forth within this ordinance may be increased, to the extent allowed by state law, by resolution since it is not necessary to amend this ordinance each time the municipality deems it timely to increase fines and fees. The Chief of Police shall maintain a current schedule of all fees allowed under this chapter in the Police Department.

N. SEVERABILITY

If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

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SECTION 10-420 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

A. Definition. For purposes of Section 10-420, the following definitions shall apply:

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic beverage” include alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

“Gathering” is a party, gather, or event, where a group of three or more persons has assembled or are assembling for a social occasion or social activity.

“Intoxicating Beverage” includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

“Legal Guardian” means (1) a person who, by court order, is guardian or the person of a minor or (2) a public or private agency with whom a minor has been placed by the court.

“Low Point Beer” means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

“Minor” means any person less than twenty-one years of age.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

“Premises” means any residence or other private property, place, or premises, including any commercial or business premises.

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“Response costs” are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Section.

B. Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public. Except as permitted by state law, it is unlawful for any minor to:

(a) Consume at any public place or any place open to the public alcoholic beverages; or

(b) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

(c) Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

(d) (1) It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gather at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gather; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers’ licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minor at the gathering.

(2) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take a place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a)(1) of this Section.

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(e) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

(f) Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

(g) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

(h) This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

(i) Penalty. Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished for violation of an offense, with fine and imprisonment, plus all court costs and statutory penalties, as set forth in the Coweta code of Ordinances.

(j) Reservation of Legal Options. Violations of this Section may be prosecuted by the City of Coweta criminally, civilly, and/or administratively as provided by the Coweta Code of Ordinances. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section.

(k) Local Authority. This section shall not apply where prohibited or preempted by state or federal law.

Offenses and Crimes

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and Battery Prohibited

Section 10-502 Domestic Abuse, Arrest without Warrant

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED

- A. It is unlawful to commit an assault or an assault and battery within the city.
- B. For the purposes of this section, an assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any willful and unlawful use of force or violence upon the person of another.

SECTION 10-502 DOMESTIC ABUSE, ARREST WITHOUT WARRANT

- A. It shall be unlawful for any person to commit an act of domestic abuse.
- B. A police officer may arrest, without a warrant, a person anywhere, including the person's place of residence, if the police officer has probable cause to believe the person within the preceding twenty-four (24) hours has committed an act of domestic abuse, as defined in Section C herein, although the assault did not take place in the presence of the police officer. A police office may not arrest a person pursuant to this section without first having observed a recent injury to or impairment of the physical condition of the alleged victim.
- C. For purposes of this section, "domestic abuse" shall mean any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor aged 16 or 17 years against another adult, emancipated minor or minor child who are family or household members as defined in 22 O.S. § 60.1.
- D. A violation of this Ordinance shall be punishable subject to the general penalty provisions of the Code of Ordinances of the City of Coweta as found in Section 1-108.

Offenses and Crimes

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer
Section 10-602	Refusing or failing to assist an officer
Section 10-603	Assault or battery upon police or other law officer
Section 10-604	Rescuing prisoners
Section 10-605	Escape of prisoners
Section 10-606	Impersonating an officer or employee
Section 10-607	False alarms
Section 10-608	False representation to an officer
Section 10-609	Removal of barricades
Section 10-610	Resisting public officials
Section 10-611	Eluding police officer

SECTION 10-601 RESISTING AN OFFICER.

- A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.
- D. The words "obstruction of", shall, in addition to their common meaning, include:
 - 1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
 - 2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest or before he is under arrest; or

Offenses and Crimes

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-602 REFUSING OR FAILING TO ASSIST AN OFFICER.

- A. An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so.

SECTION 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER

- A. It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.
- B. The term assault for purposes of this section may be defined by way of example but not limited to any conduct which is abusive, disrespectful, which results in the use of abusive or indecent language toward any police officer or other officer of law in performance of his duties.

SECTION 10-604 RESCUING PRISONERS

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

SECTION 10-605 ESCAPE OF PRISONERS

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody.

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SECTION 10-606 IMPERSONATING AN OFFICER OR EMPLOYEE

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so.

SECTION 10-607 FALSE ALARMS

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

SECTION 10-608 FALSE REPRESENTATION TO AN OFFICER

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the city.

SECTION 10-609 REMOVAL OF BARRICADES

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-610 RESISTING PUBLIC OFFICIALS

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the municipal judge, or any other officer or employee of the city in the discharge of his official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

Offenses and Crimes

SECTION 10-611 ELUDING POLICE OFFICER

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer.

Offenses and Crimes

CHAPTER 7

PENALTIES

Section 10-701 General Penalties

SECTION 10-701 GENERAL PENALTIES

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code.