

## PART 10

### OFFENSES AND CRIMES

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#### Chapter 1

### OFFENSES IN GENERAL

#### Sections:

- 10-101 Attempts to commit an offense.
- 10-102 Aiding in an offense.
- 10-103 “Offense” defined.
- 10-104 “Violation” defined.
- 10-105 Penalty not to excuse offense.

#### 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. (Prior Code, Chapter 19)

#### 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. (Prior Code, Chapter 19)

#### 10-103 “Offense” defined.

The word “offense”, whenever used in this code or in any Title, chapter or ordinance of the city means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city. (Prior Code, Chapter 19)

#### 10-104 “Violation” defined.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any title, or chapter hereof, or future

ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful. (Prior Code, Chapter 19)

10-105 Penalty not to excuse offense.

The imposition of one penalty for any offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue. (Prior Code, Chapter 19)

## Chapter 2

### OFFENSES AGAINST PROPERTY

#### Sections:

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10-201 Petit larceny prohibited.

A. Petit larceny is the taking 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. (Prior Code, Chapter 19)

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.

10-202 Injuring automobiles and other vehicles.

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

B. It is unlawful for any person to mutilate, deface or injure any automobile or other vehicle, or to remove therefrom any number, tag or mark indicating ownership or identity thereof. (Prior Code, Chapter 19)

State Law Reference: Similar provisions, 21 O.S. 1971, Section 1787.

10-203 Destroying or injuring buildings and other property.

A. It is unlawful for any person to purposely 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 only such property wrongfully to the detriment of the owner or other person entitled to its use. It is unlawful to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

B. It is unlawful for any person to loosen or remove any plank, board, block, brick, stone, stringer, support or other part from, or to injure or destroy, any sidewalk, crossing, bridge, culvert, viaduct, gate, sign or other property of another, without lawful authority. (Prior Code, Chapter 19)

State Law Reference: Damaging property of another, 21 O.S. Sections 1760 et seq.

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. (Prior Code, Chapter 19)

10-205 Throwing or shooting at persons or property.

It is unlawful for any person to throw or project any stone, bottle, brick 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 any stone or other object at any person, vehicle, structure, utility 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. (Prior Code, Chapter 19)

10-206 Tampering with or damaging public utilities, larceny.

A. It is unlawful for any person to adjust, connect, disconnect, molest, injure, destroy or in any way tamper with any water or gas pipe, any telephone pole or apparatus, meterloop, riser or connection belonging thereto, or any water, gas or electric meter or meter box or housing, or any pipe, wire, conduit or connection belonging thereto, or any other part of water, gas or electrical system, or to do any act or use any contrivance to prevent or affect correct and proper registration by any such meter. This shall not apply to officers and employees of the city or of any person, firm or corporation owning or operating such water, gas or electric system, acting in line of duty.

B. No person shall, without lawful authority, make any splice, tap or other connection into or on any cable, wire, pipe or other connection into or on any cable, wire, pipe or other service furnished to the residents of the city by the city or by any person, firm or corporation operating in the city under a valid permit issued by the city.

C. Any person who with intent to defraud, makes or causes to be made any pipe, wire, or other instrument or contrivance and connects the same or causes the same to be connected with any pipe provided for the purpose of conducting water or gas, or with any wire or other electrical conductor provided for the purpose of conducting electricity, so as to conduct such gas, water or electric current, to a point where the same may be consumed, without its passing through meters provided for registering the quantity consumed, or in any manner so as to

evade payment therefor, whether the gas, water or electrical current is furnished through a meter or not, shall be guilty of an offense. Every person who, with like intent, injures or alters any gas, electric or water meter or obstructs its action, is guilty of an offense. (Prior Code, Chapter 19)

10-207 Unlawful intrusion upon land.

It is unlawful for any person to intrude or squat upon any lot or piece of land within the city without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the city, any hut, shanty, hovel, or other structure without authority of law or ordinance. (Prior Code, Chapter 19)

10-208 Illegal entrance.

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. (Prior Code, Chapter 19)

10-209 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. (Prior Code, Chapter 19)

10-210 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. (Prior Code, Chapter 19)

10-211 Injury to public plants and trees.

It is unlawful for any person to wilfully 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 wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground. (Prior Code, Chapter 19)

10-212 Public streets and trees.

It is unlawful for any person to:

1. Wilfully 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 so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or city engineer. (Prior Code, Chapter 19)

10-213 Damaging, destroying trees, plants or fruit; trespass.

It is unlawful for any person to willfully cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root, plant, vine, shrub or bush whatever, which is the property of another, standing on or attached to the land of another, or to pick, destroy or carry away therefrom or in any way interfere with any part of the fruit thereof, or to trespass on the premises of another, without the consent of the owner or person in charge. (Prior Code, Chapter 19)

10-214 Altering, obstructing gutters, drains, streams and other water passages.

A. It is unlawful for any person to change, alter, deflect, destroy or injure any gutter, waterway, water outlet, drain, ditch, stream or other water passage, either natural or artificial, in or upon the streets, avenues, alleys or other public ways or public property within the city or to change the course or flow of any water passage or stream running upon his property or upon the side of the street adjacent to his property in such a manner as to cast the stream or flow of water into the public street or other public way or upon the property of another.

B. It is unlawful for any person to fill up, deflect or obstruct any gutter, waterway, water outlet, drain, stream, ditch, sewer or other water passage, either natural or artificial, by throwing or causing to be thrown therein any trash, rubbish, garbage, brush or other thing.

C. If it becomes necessary to change, alter or in any way interfere with any gutter, drain, ditch, stream or other water passage, for the purpose of protecting the streets or other public ways or property, or for the protection or preservation of the property of any person, it shall be necessary first to obtain the consent of the mayor. (Prior Code, Chapter 19)

10-215 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 unlawful for any person to trespass on private property. (Prior Code, Chapter 19)

10-216 Parking on property of another person or business.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, parking area, yard, or any portion of the premises or property of another person or business, including but not limited to any restaurant, gasoline/filling station or other business, when the business is not open to the public for business and when signs are posted prohibiting such parking without the expressed or tacit consent of the owner or person in charge thereof, or otherwise by authority of law or ordinance. (Prior Code, Chapter 19)

10-217 Interference with fire hydrants.

A. It is unlawful for any person except one duly authorized by the city 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 belonging to the city.

B. It is unlawful for any person to obstruct free access to any fire hydrant in the city. The obstructions prohibited in this section include but are not limited to those caused by placement of boxes, cartons, or other containers, or brick, lumber or dirt, near or around such hydrants, or the growth of grass, weeds or plants near the fire hydrants. (Prior Code, Chapter 19)

Cross Reference: Fire department and services, Sections 13-201 et seq.

10-218 Defacing public property.

It is an offense for any person to maliciously or wilfully deface, injure, destroy, smear or bedaub any building, sidewalks, streets, pavement, curbing, water or sewer lines, or other real or personal property of the city. (Prior Code, Chapter 19)

10-219 Public grounds, use of.

Any person who, without the consent of the mayor, shall maintain, erect, or permit the erection of any building, hut, hotel, shanty, tent or other structure under his or her control, upon any street, sidewalk, alley, avenue, or other public grounds of the city, shall be guilty of an offense. (Prior Code, Chapter 19)

10-220 Surrender of city property.

Each and every person who, having been an officer or employee of the city wrongfully refuses to surrender all books, papers, or other property coming into his possession as such officer or employee, when so requested to do so by his successor in office or his superior in authority or upon any written order of the city council or other duly authorized city official, shall be guilty of an offense. (Prior Code, Chapter 19)

## Chapter 3

### OFFENSES AGAINST THE PUBLIC

#### Sections:

10-301 Disturbing the peace.

10-302 Fireworks prohibited.

10-303 Storing or keeping explosives.

10-304 Carrying weapons; exceptions.

10-305 Selling weapons and dangerous articles to minors.

10-306 Discharging weapons; throwing missiles.

10-307 Reckless conduct.

10-308 Loud noise or music prohibited, amplified sound.

10-309 Political advertising on rights of way.

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 Sub-section 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;
2. Appearing in an intoxicated condition;
3. Engaging in a fistful encounter;
4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
6. Holding 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;
7. Interrupting 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;
8. Making unnecessarily loud, offensive noises;
9. Disturbing 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; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (Prior Code, Chapter 19)

10-302 Fireworks prohibited.

A. It is unlawful for any person, firm or corporation to sell, offer for sale, gift or barter any fireworks within the city limits of the city.

B. It is unlawful for any person, firm or corporation to ignite or in any manner discharge or use fireworks within the city limits of the city.

C. The mayor of the city is authorized to issue permits for the organized and supervised discharge of fireworks for public display. Such permits shall be issued only upon written application therefor by the organization desiring to stage such public display and written notification to the fire department of the city. (Prior Code, Article E)

Cross Reference: Fire Prevention Code, Section 13-101.

State Law Reference: Bottlerockets prohibited by state law, 68 O.S. Section 1624; State fireworks licenses, 68 O.S. Sections 1621 et seq.; Municipal power to regulate, II O.S. Section 22-110.

10-303 Storing or keeping explosives.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in quantities of not to exceed five (5) pounds where the same is securely kept. (Prior Code, Chapter 19)

#### 10-304 Carrying weapons; exceptions.

- A. The terms used in this section shall be as defined in Sections 1289.1 et seq. of the Oklahoma Statutes.
- B. A person shall be permitted to carry shotguns, rifles or pistols, open and not concealed, under the following conditions:
  - 1. When going to, during participation in or coming from hunting animals or fowl, including moving from place to place by vehicle. However, a rifle or shotgun may be carried in a landborne motor vehicle over a public highway or roadway when clip or magazine loaded and not chamber loaded when carried in a locked compartment of the vehicle, such as the trunk of an automobile;
  - 2. When going to, during competition in or practicing or coming from a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;
  - 3. When unloaded, going to or coming from a gunsmith;
  - 4. When unloaded, going to or coming from a store for purposes of repair, trade, barter or sale;
  - 5. Going to or coming from a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces;
  - 6. Going to or coming from a recognized police function of either a municipal, county or state government as functioning police officials;
  - 7. When unloaded, going to or coming from a place of publicly recognized firearms display such as a "gun show" where the public is invited;
  - 8. When unloaded, going to or coming from a point of private trade for purposes of transferring a firearm to another private citizen in exchange for moneys, payment for services or trade;
  - 9. When going to, coming from and during a performance for entertainment purposes; or
  - 10. For any legitimate purpose not in violation of this code or any legislative enactment regarding the use, ownership and control of firearms.

State Law Reference: State firearms act, 21 O.S. Sections 1289.1 et seq.; similar provisions, 21 O.S. Section 1272; authority of city to prohibit carrying of weapons, 11 O.S. Section 22-110.

#### 10-305 Selling weapons and dangerous articles to minors.

- A. It is unlawful for any person to sell, barter, give or furnish to any minor, any blank or loaded cartridges, or any pistol, revolver, toy or other thing made, for the purpose of exploding any blank or loaded cartridges.
- B. It is unlawful for any person to sell, barter, give or furnish to any minor any pistol, revolver, dirk, bowie knife, metal knucks or other dangerous or deadly weapon. (Prior Code, Chapter 19)

#### 10-306 Discharging weapons; throwing missiles.

It is unlawful for any person to discharge or fire any species of firearms, air pistol, air rifle, air gun, slingshot, or discharge a hand grenade, bomb or similar device, or other weapon, or throw any missile within the city, except when necessary for the protection of life or property or in accordance with law. (Prior Code, Chapter 19)

State Law Reference: Discharging firearms or air rifles in public places, 21 O.S. Section 1364; authority of city to prohibit discharge of firearms, 11 O.S. Section 655.

#### 10-307 Reckless conduct.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, 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. (Prior Code, Chapter 19)

10-308 Loud noise or music prohibited, amplified sound.

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, with or without a loud speaker, in such a manner as to emit loud music, noise or words. This section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music. (Prior Code, Chapter 19)

10-309 Political advertising on rights of way.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made, or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. It is unlawful for any person, firm or corporation to erect or display any advertising sign or advertising of any other character upon any public utility easement within the city.

C. No person, firm or corporation shall place, tack, nail, staple or glue any advertising sign on any telephone, telegraph, electric or street-lighting pole within this city.

D. Any advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions hereof, and such sign may be removed and destroyed by any person.

## Chapter 4

### OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

#### Sections:

10-401 Public intoxication and drinking prohibited.

10-402 Marijuana prohibited.

10-403 Drug paraphernalia.

10-404 Prostitution.

10-405 Disorderly house.

10-406 Nudity, improper dress, indecent exposure.

10-407 Definitions; obscenity regulations.

10-408 Prohibited obscene conduct.

10-409 Vagrancy defined for specific acts.

10-410 Curfew for minors.

10-411 Sleeping on the streets, depots.

10-412 Begging prohibited.

10-413 Gambling prohibited.

10-414 Being about place where gambling is going on.

10-415 Harmful deception.

10-416 False or bogus checks.

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 public place in the city in a state of intoxication. It is unlawful for any person to drink intoxicating or nonintoxicating beverage as defined in this code upon or in any street, alley, or other public place within the city.

B. For the purposes of this code, a state of intoxication means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, or beverages to such extent as to deprive the person of his or her full physical or mental power. (Prior Code, Chapter 19)

10-402 Marijuana prohibited.

A. It is unlawful for any person:

1. To appear or be upon or 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. (Prior Code, Chapter 14)

State Law Reference: Controlled dangerous substances act, 63 O.S. Sections 2-101 et seq.

10-403 Drug paraphernalia.

A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act", and adopted by reference herein. It includes, but is not limited to those equipment, products and materials specified in Section 2-101.1 of Title 63 of the Oklahoma Statutes on drug paraphernalia.

B. It is unlawful for any person to use, or to possess with intent to use, 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 substance in violation of the act.

C. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that 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 substance in violation of the act.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

#### 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 of prostitution; 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 of a person 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. (Prior Code, Chapter 19)

#### 10-405 Disorderly house.

A. 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;
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.

B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

C. 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.

D. 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. (Prior Code, Chapter 19)

State Law Reference: Municipal power to regulate disorderly houses and indecencies, 11 O.S. Section 22-109.

10-406 Nudity, improper dress, indecent exposure.

- A. 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.
- B. It is unlawful for any person to procure, counsel or assist any person to commit any of the acts in Sub-section A of this section. (Prior Code, Chapter 19)

State Law Reference: Similar provisions, 21 O.S. Section 1021.

10-407 Definitions; obscenity regulations.

The following terms when used in the chapter shall have the meaning respectively ascribed to them in this section:

- 1. "Obscene" means that to the average person applying contemporary community standards:
  - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. shameful or morbid interest in sexual conduct, nudity, or excretion;
  - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and
  - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
- 2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
- 3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;
- 4. "Disseminate" means to transfer possession of, with or without consideration;
- 5. "Knowingly" means being aware of the character and the content of the material;
- 6. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;
- 7. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
- 8. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
- 9. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and
- 10. "Promote" means to cause, permit, procure, counsel or assist.

10-408 Prohibited obscene conduct.

It is unlawful for any person to:

- 1. Knowingly disseminate, distribute or make available to the public any obscene material;

2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;
3. Knowingly engage or participate in any obscene performance made available to the public; or
4. Provide service to patrons in such a manner as to expose to public view:
  - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
  - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
  - c. Any portion of the female breast at or below the areola thereof; or
  - d. Knowingly promote the commission of any of the above listed unlawful acts. (Prior Code, Chapter 19)

#### 10-409 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. (Prior Code, Chapter 19)

State Law Reference: Power to regulate vagrancy, 11 O.S. Section 22-123.

#### 10-410 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 the natural or adoptive parent of a minor;
3. "Guardian" is any person other than a parent who has legal guardianship of a minor;
4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor; and
5. 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.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place 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 of 1:00 A.M. and 5:00 A.M. in the morning on Saturdays and Sundays and between the hours of 11:00 P.M. and 5:00 A.M. on any other 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; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

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;

3. The parent, guardian or other adult person herein has made a missing person notification to the city police department;

4. Within one hour following the ending, closing, adjournment or dismissal of a meeting, service or activity of, and sponsored by, a public school, church or religious organization, which has been participated in or attended by such minor who is returning directly to his home or place of abode; or

5. When a minor has in his possession a written exemption granted by the chief of police of the city.

E. The mayor may permit 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 mayor 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 or revoke 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. (Ord. No. 10/19/81A)

10-411 Sleeping on the streets, depots.

It is unlawful for any person, between the hours of 12:00 A.M. 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.

#### 10-412 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. (Prior Code, Chapter 19)

#### 10-413 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.

C. Excepted from the provisions of this section is any bingo game established and conducted lawfully in accordance with applicable state law, including 21 O.S. Sections 995.1 et seq. and activities allowed pursuant to the Oklahoma Horse Racing Act. (Prior Code, Chapter 19)

State Law Reference: Municipal power to prohibit gambling, 11 O.S. Section 22-108; gambling prohibited, 21 O.S. Sections 941 et seq.

#### 10-414 Being 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. (Prior Code, Chapter 19)

#### 10-415 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. (Prior Code, Chapter 19)

#### 10-416 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 of the value of Fifty Dollars (\$50.00) or less 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 hon-

ored on account 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. (Prior Code, Chapter 19)

## Chapter 5

### OFFENSES AGAINST PERSONS

#### Sections:

10-501 Assault and battery prohibited.

10-502 Lawful use of force.

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 wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any wilful and unlawful use of force or violence upon the person of another. (Prior Code, Chapter 19)

State Law Reference: Similar provisions, 21 O.S. Sections 641, 642, 644.

10-502 Lawful use of force.

To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the city in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;
2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;
3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;
4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;
5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety; and

6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person. (Prior Code, Chapter 19)

## Chapter 6

### OFFENSES AGAINST PUBLIC AUTHORITY

#### Sections:

10-601 Resisting a police officer.

10-602 Refusing or failing to assist an officer.

10-603 Assault or battery upon police or other law officer.

10-604 Rescuing prisoners.

10-605 Escape of prisoners.

10-606 Assisting escape of prisoners.

10-607 Unlawful communication with prisoners.

10-608 Impersonating an officer or employee.

10-609 False alarms.

10-610 False representation to an officer.

10-611 Removal of barricades.

10-612 Resisting public officials.

10-613 Eluding police officer.

10-614 Unauthorized persons not to respond to police, fire calls.

10-601 Resisting a police 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 and before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.  
(Prior Code, Chapter 19)

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. (Prior Code, Chapter 19)

10-603 Assault or battery upon police or other law officer.

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.

10-604 Rescuing prisoners.

It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city. It is unlawful 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. (Prior Code, Chapter 19)

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 break or attempt to break from any such jail, prison or custody, or to escape or attempt to escape therefrom. (Prior Code, Chapter 19)

10-606 Assisting escape of prisoners.

A. It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city.

B. It is unlawful for any person to convey into the city jail or other city prison any instrument or other thing useful to facilitate the escape of any prisoner therein, or to give any such instrument or thing to a prisoner in custody or in prison, whether such escape is effected or attempted or not.

State Law Reference: Similar provisions, 21 O.S. 1971, Sections 437, 441, 521.

10-607 Unlawful communication with prisoners.

It is unlawful for any person to loiter about the city jail or any other city prison with intent to communicate unlawfully with any prisoner confined therein, or to communicate or attempt to communicate unlawfully with any prisoner confined in such jail or prison or held in legal custody.

10-608 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. (Prior Code, Chapter 19)

State Law Reference: Impersonating public officers, 21 O.S. Section 1533.

10-609 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, police department, emergency medical services, 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, police department, emergency medical services, or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. (Prior Code, Chapter 19)

10-610 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. (Prior Code, Chapter 19)

10-611 Removal of barricades.

It is unlawful for any person except by proper authority to remove any barricade, warning signs or devices, or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area. (Prior Code, Chapter 19)

10-612 Resisting public officials.

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, 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. (Prior Code, Chapter 19)

10-613 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 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 wilfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer. (Prior Code, Chapter 19)

10-614 Unauthorized persons not to respond to police, fire calls.

A. As used in this section:

1. "Police or fire department radio calls: are radio calls to and from the police or fire department or radio calls to or from members of the police or fire departments concerning police or fire department business;
2. "Unauthorized persons" are all persons except city officials, regular members of the police or fire departments, and members of the volunteer fire department and police auxiliary while on official business;
3. "Response to" means to travel or attempt to travel to the destination of the incident or incidents causing the radio calls to be made or siren sounded; and

4. "Siren" shall include all mobile or permanent sirens.

B. It is unlawful for any unauthorized person or persons to respond to a police or fire department radio call or siren. (Ord. No. 603)

## Chapter 7

### PENALTIES

#### Sections:

10-701 General penalties.

10-701 General penalties.

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1-108 of this code. (Prior Code, Chapter 19)