

Offenses & Crimes

PART 10

OFFENSES AND CRIMES

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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.

SECTION 10-103 "OFFENSE" DEFINED.

The word "offense," whenever used in this code or in any part, chapter, article, 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.

SECTION 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

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code or any part, chapter or article 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.

SECTION 10-105 PENALTY NOT TO EXCUSE OFFENSE.

The imposition of one penalty for an 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.

SECTION 10-106 CAPACITY TO COMMIT OFFENSE.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

- A. Children under the age of seven (7) years;
- B. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
- C. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
- D. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
- E. Persons who committed the act charged without being conscious thereof, involuntarily; and
- F. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

SECTION 10-107 INTOXICATION, NO DEFENSE.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

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SECTION 10-108 WITNESS, SELF INCRIMINATION.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

SECTION 10-109 NUISANCES.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premise or premises owned by him or under his control at any place within the corporate limits of the City.

Cross Reference: Nuisances, §§ 8-101 et seq. of this code.

SECTION 10-110 CONSPIRACY.

Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the City or the person or property of another person shall be guilty of an offense.

SECTION 10-111 LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be one (1) year from the date of the commission or omission or in cases involving fraud, deception or deceit, one (1) year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state.

SECTION 10-112 LAWFUL USE OF FORCE.

- A. 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;

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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;
 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;
 7. In preventing or interrupting an intrusion upon the lawful possession of property; and
 8. To preserve the peace or prevent the commission of an offense.
- B. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

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SECTION 10-201 ASSAULT AND BATTERY.

No person shall commit an assault or battery, or both, upon the person of another.

State Law Reference: Assault and battery generally, 21 O.S. §§ 641 et seq.; city's power to prevent, 11 O.S. §§ 22-110.

SECTION 10-202 ASSAULT DEFINED.

An assault is any wilful and unlawful attempt or offer with force or violence to do corporal hurt to another.

SECTION 10-203 BATTERY DEFINED.

A battery is any wilful and unlawful use of force or violence upon the person of another.

SECTION 10-204 RECKLESS CONDUCT.

- A. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.
- B. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver, or other firearm.

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SECTION 10-301

PETIT LARCENY; EMBEZZLEMENT.

No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of Fifty Dollars (\$50.00) or embezzle any money, personal property, or effects of another under the value of Fifty Dollars (\$50.00). This section does not apply to taking property from the "person" of

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another.

SECTION 10-302 LARCENY BY FALSE PRETENSE.

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed Fifty Dollars (\$50.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft, or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

SECTION 10-303 ALTERING KEYS.

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

SECTION 10-304 POSSESSION OF STOLEN PROPERTY.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully.

State Law Reference: Receiving stolen property, 21 O.S. § 1713.

SECTION 10-305 DEFRAUDING PUBLIC ACCOMMODATIONS; PROOF; EXCEPTION.

- A. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.
- B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.

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- C. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.
- D. This section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 10-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S AUTHORITY TO DETAIN.

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise.. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

SECTION 10-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE.

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile, or any other means of public conveyance or passengers, operating under the code, ordinance, franchise, permit, or license of the City or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

SECTION 10-308 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 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 honored 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.

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SECTION 10-309 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 10-310 DEFACING BUILDING, DAMAGING PROPERTY.

- A. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.

- B. No person shall:
 - 1. Destroy, injure, deface, damage, or molest any structure, building, work, or other property, real or personal, belonging to another;
 - 2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or
 - 3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

State Law Reference: Destroying property generally, 21 O.S. § 1760.

SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY.

No person shall wilfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate, or other structure, or maliciously break, tear down, or destroy any part of a house, barn or other structure not his own.

SECTION 10-312 DAMAGING PRIVATE PROPERTY.

No person shall wilfully and wantonly damage or destroy the personal property of another.

SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION.

- A. Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone, or other mark or monument set by or under authority of the City to designate or mark grades, lines, corners, or bench marks on any public work in the City prior to the completion and acceptance of the contract

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for which such stakes or monuments are set, without lawful authority, is guilty of an offense.

- B. Any contractor or other person constructing any public work in the City shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the City.

SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

- A. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.
- B. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

State Law Reference: Damaging motor vehicles, 21 O.S. §§ 1787, 1788.

SECTION 10-315 TAMPERING WITH, OBSTRUCTING OR DAMAGING OF UTILITIES.

- A. No person shall alter, remove, tamper with, molest, obstruct access to, damage, or injure any wires, cable, appurtenance, structure, pipes, or equipment of any utility of the City, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the City without consent of the utility or City having been first obtained.
- B. It is unlawful to open up any manhole or opening to a sewer unless authorized by the City, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.
- C. No person except a member of the fire department or a person acting on lawful order or permit issued by the City shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand, or brace

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anything against or on the hydrant.

- D. No person shall in any manner whatsoever:
1. Cut into, attach to or intercept the wires, cables, or pipes, of any electric, water, cable television, or gas utility or of the City for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;
 2. Cut into, attach to or intercept the wires, cables, or pipes for the purpose of conducting around any meter electric current, water, or gas in order to prevent the current, water, or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or City out of the value of the service; or
 3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or City from payment thereof.
- E. Each day that any person violates this section, or maintains any such fraudulent connection with any wires, cables, or pipes, or fraudulently takes from any such wires, cables, or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

Cross Reference: Utilities, §§ 17-101 et seq. of this code.

SECTION 10-316

DESTROYING TREES AND SHRUBBERY.

- A. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.
- B. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the City.

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SECTION 10-317

TRESPASSING PROHIBITED, NOTICE, SOLICITING,
TRESPASS PROHIBITED.

- A. It is unlawful and an offense for any person to commit a trespass within this City upon either public or private property.

- B. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express 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 mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.

- C. Any of the following acts by any person shall be deemed a violation of this section:
 - 1. The doing of an injury or misfeasance to the person of another;
 - 2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
 - 3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
 - 4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
 - 5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;

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6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
 7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a City official;
 8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a City official;
 9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
 10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the City Council or other public official which is lawfully authorized to give consent; or
 11. Remaining on public or 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. The provisions of this paragraph 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 paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes 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 paragraph.
- D. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7, and 9 of Subsection C hereof shall meet the following criteria:
1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;
 2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and
 3. If upon property to which the public is invited at least some part of the

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day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the City Code.

SECTION 10-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS.

- A. No person shall stand, walk, sit, lie, congregate, or otherwise occupy or remain upon the premises of any place or business within the City after business hours without consent of the lawful owner, occupant, lessee or employee thereof.
- B. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left, or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.
- C. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the City Code.
- D. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).
- E. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this

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section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.

- F. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.
- G. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in this Section 1-108 of this code.
- H. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this code.
- I. The provisions of this section are cumulative of other applicable offenses enacted in this code or state law.

Cross Reference: see § 15-608 on vehicular trespass.

SECTION 10-319

UNLAWFUL INTRUSION ON LAND.

- A. No person shall intrude or remain upon any lot or piece of land, or in any building within the City without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.
- B. No person shall place, erect, or occupy within the bounds of any street, alley, or avenue of the City any structure whatever unless such person is granted a license by the City to do so.

SECTION 10-320

THROWING OR SHOOTING AT PERSONS OR PROPERTY.

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any

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object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

SECTION 10-321 THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED.

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or City-owned property or waterway any lighted cigarette, cigar, or other flaming or glowing substances, or any substance or thing which may cause a fire.

SECTION 10-322 LITTERING, DEPOSITS UNLAWFUL.

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the City or upon the property of another without express authority to do so.

SECTION 10-323 POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER.

- A. No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.
- B. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

SECTION 10-324 POSTING ADVERTISING MATTER ON UTILITY POLES OR ON OR OVER STREETS AND SIDEWALKS.

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the City or to place any advertising on any signs or banners stretched over the streets or sidewalks of the City. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the City from erecting and maintaining business or commercial signs in accordance with the ordinances of the City, nor to prohibit the granting of permission by the City to religious, charitable, patriotic, or civic bodies to use banners across the streets of the City in such places as may be designated by the mayor for the observance of holidays, charitable drives, and the commemoration and celebration of other

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public or civic occasions.

SECTION 10-325 INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS.

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television or telephone reception of others.

SECTION 10-326 FALSE WEIGHTS.

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefor or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and wilfully report any false or untrue weight whereby another person shall be defrauded or damaged.

SECTION 10-327 FIREWORKS PROHIBITED, REGULATION OF SALES, EXCEPTIONS.

- A. For the purpose of this section, "fireworks" shall have the same meaning as in state law, Section 1621 et seq of Title 68 of the Oklahoma Statutes.
- B. The discharge, firing, sale, offer for sale, possession or use of fireworks is prohibited except as authorized by Part 9, Chapter 7 of the Code or when otherwise authorized by the City Council for a public display or displays in accordance with the City fire code.

Cross Reference: See also Part 9 Chapter 7 and §§ 13-101 et seq.

SECTION 10-328 GASOLINE PUMP THEFT.

It shall be unlawful for any person who pumps gasoline into the gasoline tank of a vehicle or gas container to leave the premises where the gasoline was pumped without making payment for the gasoline.

State law reference: 21 O.S. § 1740.

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CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-401	Disturbing the Peace.
Section 10-402	Disturbing Funerals.
Section 10-403	Disorderly Conduct.
Section 10-404	Unnecessary Noise Prohibited.
Section 10-405	Parades and Public Assemblies.

SECTION 10-401 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 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 fistic 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;

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8. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
 9. Obstructing, molesting or interfering with any person lawfully in a public place;
 10. Making unnecessarily loud, offensive noises;
 11. 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
 12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.
- C. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.
- D. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

SECTION 10-402

DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

SECTION 10-403

DISORDERLY CONDUCT.

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he:

- A. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;

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- B. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- C. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;
- D. Jostles or crowds or pushes any person in any public place;
- E. Uses "fighting words" directed toward any person and thus creates a turmoil;
- F. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or
- G. By acts of violence interferes with another's pursuit of a lawful occupation.

State Law Reference: Power of City relating to disorderly conduct, 11 O.S. § 22-110.

SECTION 10-404

UNNECESSARY 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 either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City.
- B. Permits may be granted by the City for certain activities and events which are exempt from the provisions of this section.

State Law Reference: City's power to restrain and prohibit unnecessary noise, 11 O.S. § 22-110.

SECTION 10-405

PARADES AND PUBLIC ASSEMBLIES.

- A. As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park, or other public place in the City.
- B. No person shall use any street, alley, public way, park or other property owned or controlled by the City, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first

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having obtained a permit for such purpose. The permits may be granted by the mayor under such conditions as deemed appropriate.

- C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.
- D. Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the City. The time requirements may be waived by the mayor at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the City. The application shall provide such other information as requested.
- E. The mayor shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
 - 1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - 2. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
 - 3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;
 - 4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
 - 5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
 - 6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

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7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- F. The mayor, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the City harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.
- G. Without regard to the above provision of this section, the mayor, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.
- H. The mayor, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the mayor. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

State Law Reference: Power of local authorities to regulate assemblies, 47 O.S. § 15-102.

Cross Reference: Funeral processions, see Part 15 on Traffic.

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CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 10-501	Public Intoxication.
Section 10-502	Marijuana Prohibited.
Section 10-503	Drug Paraphernalia.
Section 10-504	Sniffing Glue, Paint and Other Substances.
Section 10-505	Curfew for Minors.
Section 10-506	False Representation as Blind, Crippled or Physically Defective to Obtain Money, Aid.
Section 10-507	Misrepresenting Age by False Documents.
Section 10-508	Obscene, Threatening or Harassing Telephone Calls.
Section 10-509	Disorderly House.
Section 10-510	Nudity, Improper Dress, Indecent Exposure.
Section 10-511	Gambling and Gambling Devices.
Section 10-512	Prostitution Prohibited.
Section 10-513	Offenses near Schools.
Section 10-514	Sleeping in Places, Property.
Section 10-515	Contributing to Delinquency of a Minor.
Section 10-516	Tobacco to Minors Prohibited.
Section 10-517	Carrying Weapons, Exceptions.
Section 10-518	Discharging Firearms, Air Rifles, Bb Guns, Pellet Guns.
Section 10-519	Smoking in Public Places.
Section 10-520	Laser Pointers.

SECTION 10-501 PUBLIC INTOXICATION.

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or low-point beer to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

State Law Reference: Drunkards and drunkenness generally, 63 O.S. §§ 2101, et seq.; intoxication in a public place or at a public gathering, 37 O.S. § 8.

Cross Reference: Drinking in public place, see §§ 3-109 and 3-212 of this code; alcoholic beverages generally, §§ 3-101 et seq. of this code.

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SECTION 10-502. MARIJUANA AND DANGEROUS SUBSTANCES PROHIBITED.

A. Definitions.

1. Marijuana means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.
2. Dangerous substance means any drug or substance included in Schedules I through V of the Uniform Controlled Dangerous Substances Act found in 63 O.S.1991, §§ 2-101, et seq., including, but not limited to:
 - a. Cocaine and its derivatives;
 - b. Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine;
 - c. Hallucinogenic substances including lysergic acid diethylamide, marijuana (*Cannabis sativa* L.), including seed of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines;
 - d. Stimulants such as amphetamines and methamphetamines; and
 - e. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, alprazolam, and diazepam.

B. It is unlawful for any person to use, have or possess marijuana and/or any dangerous substance in any place within the City except as legally prescribed by a physician licensed to practice in the state.

C. It is unlawful for any person to appear or be upon or in any street, alley, place of business, or other public place within the City while under the

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influence of marijuana and/or any dangerous substance.

- D. Penalty. Unless otherwise expressly provided for in this Code or applicable state law, every person violating any provision of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00); provided further that a subsequent offense may be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the City jail for a period not to exceed ten (10) days, excluding costs, fees and assessments, or by both such fine and imprisonment.

State Law Reference: Controlled Dangerous Substances Act, 63 O.S. §§ 2-101, et seq.

SECTION 10-503

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:
1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

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5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

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- f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs; or
 - m. Ice pipes or chiller.
- B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- 1. Statements by an owner or by anyone in control of the object concerning its use;
 - 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
 - 3. The proximity of the object, in time and space, to a direct violation of the act;
 - 4. The proximity of the object to controlled substances;
 - 5. The existence of any residue of controlled substances on the object;
 - 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - 7. Instructions, oral or written, provided with the object concerning its use;

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8. Descriptive materials accompanying the object which explain or depict its use;
 9. National and local advertising concerning its use;
 10. The manner in which the object is displayed for sale;
 11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 13. The existence and scope of legitimate uses for the object in the community; and
 14. Expert testimony concerning its use.
- C. 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.
- D. 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.
- E. 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.

SECTION 10-504

SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

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SECTION 10-505

CURFEW FOR MINORS.

- A. This section shall be known and may be cited as the "curfew ordinance" or "regulation of the presence and conduct of minor on streets and public places."
- B. For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given herein:
1. "Minor" means any person under the age of eighteen (18);
 2. "Parent" means any person having legal custody of a minor as:
 - a. A natural or adoptive parent;
 - b. A legal guardian;
 - c. A person who stands in loco parentis; or
 - d. 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, café, 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 stand 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" means 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 cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-

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way of a street;

6. "Time of night" is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public; and
 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."
- C. It is unlawful for any person seventeen (17) or less years of age (under eighteen (18) to be or remain in or upon the streets within the City at night during the period ending 6:00 a.m. and beginning:
1. At 10:00 p.m. for minors fifteen (15) years of age or younger;
 2. At 12:00 midnight for minors more than fifteen (15) years of age on Sunday through Thursday; and
 3. At 1:00 a.m. on Saturday morning and Sunday morning for minors more than fifteen (15) years of age.
- D. In the following exceptional cases a minor on a City street during the nocturnal hours for which Subsection C of this section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:
1. When accompanied by a parent of such minor;
 2. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area;
 3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor with their home address and telephone number, specifying when, and where and in what manner the minor will be on the streets at night (during hours when the curfew ordinance is otherwise applicable to

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the minor) in the exercise of a First Amendment right specified in such communication;

4. In case of reasonable necessity, but only if the minor has in the minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination;
5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer;
6. When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner the minor will be on the streets at night;
7. When authorized, by regulation issued by the City Council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the City Council permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this curfew ordinance;
8. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment which may include the latest payroll receipt not over thirty (30) days old; or
9. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate

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movement through the City, particularly on normal routes.

- E. It is unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any City street under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall a fortior, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
- F. It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit or suffer the presence of minors in violation of the curfew established by this chapter.
- G. Upon finding or having attention called to any minor on the streets in prima facie violation of the curfew ordinance, a police officer of the City shall normally take the minor to the City police station, or other place designated by the chief of police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interviewed. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age;
 - 1. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age near home whose identity may readily be ascertained or is known;
 - 2. In any event such police officer shall within twenty-four (24) hours, file a written report with the chief of police. The report shall be treated for purposes of juvenile records in accordance with state statutes;
 - 3. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot

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be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent; or

4. In the case of first violation by a minor, the chief of police shall cause to be personally delivered or by certified mail, send to a parent written notice of violation with a warning that any subsequent violation shall result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties.

H. If after the warning notice pursuant to paragraph 4 of Subsection G of this section of a first violation by a minor, a parent violates Subsection E of this section (in connection with a second violation by the minor), this shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere, or finding of guilt shall be as provided in Section 1-108 of this code.

SECTION 10-506

FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

State Law Reference: Offense against public morals being a misdemeanor, 21 O.S. § 22; public decency generally, 21 O.S. §§ 22.851, et seq.

SECTION 10-507

MISREPRESENTING AGE BY FALSE DOCUMENTS.

No person shall, for the purpose of violating any statutes of the state or any ordinances of the City, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

State Law Reference: Misrepresentation of age by false documents, 21 O.S. §§ 1518-1520.

Cross Reference: Misrepresentation of age by false or altered documentation for purpose of obtaining alcoholic and low point beer, see Part 3.

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SECTION 10-508

OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS.

- A. No person shall by means of a telephone, willfully:
1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;
 2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;
 3. Permit any telephone under his control to be used for any purpose prohibited by this section; or
 4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.
- B. Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

State Law Reference: Telephone calls, 21 O.S. § 1172.

SECTION 10-509

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 and nonintoxicating beverages as defined by law;
 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

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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, sublease 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.

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

Cross Reference: See also § 10-513 on prostitution.

SECTION 10-510 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

- A. Appear in any public place in the City in a state of nudity;
- B. Appear in any public place in the City in any offensive, indecent or lewd dress; or
- C. Make an indecent public exposure of his or her person.

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

SECTION 10-511 GAMBLING AND GAMBLING DEVICES.

- A. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking

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or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.

- B. Any person who bets on or plays at any of the prohibited games mentioned in subsection A above, or otherwise gambles, is guilty of an offense.
- C. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
- D. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
- E. It is unlawful for any person to play any prohibited game described in this section.
- F. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the City, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.
- G. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
- H. It is unlawful for any person to be 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.
- I. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed

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and operated in accordance with law.

State Law References: Gambling generally, 21 O.S. §§ 941 et seq.; punishment for betting on or playing prohibited game, 21 O.S. § 942, bingo generally, 21 O.S. §§ 995.1 et seq; Oklahoma Horseracing Act, 3A O.S. §§ 200 et seq; disposition of equipment used for gambling, 21 O.S. § 943; search and seizure of equipment used for gambling, 21 O.S. §§ 916; 22 O.S. §§ 1261 et seq.

SECTION 10-512

PROSTITUTION PROHIBITED.

- A. As used in this section, "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.
- B. It is unlawful:
 - 1. To engage in prostitution, lewdness or assignation;
 - 2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
 - 3. To aid, abet or participate in the doing of any of the acts herein prohibited.
- C. No person shall in any way or manner whatever, keep, harbor or house any prostitute.
- D. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.
- E. No person shall keep or maintain a house of prostitution or house of assignation.
- F. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the City, or knowingly permit the same to be so used.
- G. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.
- H. No person shall offer, or offer to secure another for the purpose of

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prostitution, or for any other lewd or indecent act.

- I. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.
- J. It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer; that such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- K. For the purpose of this section, a "known prostitute or procurer" is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution or soliciting for the purpose of prostitution unlawful.

State Law Reference: Definition of prostitution, 21 O.S. § 1030; Soliciting, 21 O.S. § 1029; pimping, 21 O.S. § 1081.

SECTION 10-513

OFFENSES NEAR SCHOOLS.

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

- A. Any conduct that would disturb the orderly conduct of the school;
- B. Annoying or molesting any student or employee of the school;
- C. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;

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- D. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or
- E. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

SECTION 10-514 SLEEPING IN PLACES, PROPERTY.

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

SECTION 10-515 CONTRIBUTING TO DELINQUENCY OF A MINOR.

- A. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.
- B. Any person who shall knowingly or wilfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.

State Law Reference: Contributing to delinquency of minors, 21 O.S. §§ 856 et seq.

SECTION 10-516 TOBACCO TO MINORS PROHIBITED.

It is unlawful and an offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars, electronic cigarettes also known as "e-cigarettes, vapor products, tobacco in any form or nicotine in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars, vapor products, tobacco in any form or nicotine in any form.

SECTION 10-517 CARRYING WEAPONS, EXCEPTIONS.

It is unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as otherwise provided in this chapter and as authorized by state law. This section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes,

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nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by law.

SECTION 10-518 DISCHARGING FIREARMS, AIR RIFLES, BB GUNS, PELLET GUNS.

It is unlawful for any person to discharge a firearm, air rifle, BB gun or pellet gun, except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when doing so during competition in or practicing skeet, trap or other recognized and controlled sporting events, and when doing so in such sporting event does not create unreasonable risk of harm to another and which does not demonstrate a conscious disregard for the safety of another person, or when otherwise authorized bylaw or ordinance.

SECTION 10-519 SMOKING IN PUBLIC PLACES.

- A. No person shall smoke in a designated non-smoking area in the City municipal building or at any meeting of any public body created and acting under authority of the City Council.
- B. The City municipal building shall be designated as a "non-smoking" area with exception of portions of the building located in the south end of the structure utilized by City employees for purposes of repairing and storing motor vehicles, supplies, parts, etc.
- C. Smoking and non-smoking areas shall be designated by the City Manager in the City municipal building. Existing physical barriers and ventilation systems shall be utilized in the designated smoking areas to minimize smoke in both the smoking and adjacent non-smoking areas. The manager shall post signs which clearly state that smoking in the municipal building is prohibited in designated non-smoking areas, pursuant to state statutes, and the City Code, and that all employees, in addition to City Council members, shall request smokers to refrain from smoking in the City municipal building upon request of a patron or citizen or employee who suffers discomfort from the smoke or who has hypersensitivity to smoke.

SECTION 10-520 LASER POINTERS.

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal.

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CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Escaping Custody.
Section 10-602	Conveying Instruments to Assist Escape.
Section 10-603	Assisting Prisoner to Escape.
Section 10-604	Delivery of Articles to Person in Confinement.
Section 10-605	Assaulting City Officer.
Section 10-606	Resisting a Police Officer.
Section 10-607	Citizens' Duty to Assist.
Section 10-608	Obedience to Orders of Police and Firefighter.
Section 10-609	Eluding Police Officer by Motor Vehicle.
Section 10-610	Use of Siren or Whistle.
Section 10-611	Impersonating a Police Officer or Any City Officer.
Section 10-612	False Statements, Reports or Complaints.
Section 10-613	False Alarms.
Section 10-614	Removal of Barricades.
Section 10-615	Resisting Public Officials.
Section 10-616	Duties of the Public at Fires, Emergencies.
Section 10-617	Tampering with Signs, Equipment.
Section 10-618	Interference with Police Dog Performing Functions or Duties.
Section 10-619	Destroying, Tampering with Evidence.

SECTION 10-601

ESCAPING CUSTODY.

No person lawfully in custody or confined in the City jail, before or after conviction for any violation of the ordinances of the City, or held in custody going to the city jail, or working upon the streets or other public grounds of the City or in custody of any officer of the City, shall break or attempt to break such City jail or custody, and escape or attempt to escape therefrom.

SECTION 10-602

CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

No person shall convey into the City jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the city jail for any violation of the city ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 10-603

ASSISTING PRISONER TO ESCAPE.

No person shall in any way aid, remove, or assist any person to resist or escape

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from custody of any police officer or from any lawful confinement in the City.

State Law Reference: Assisting prisoner to escape, 21 O.S. §§ 437, 441.

SECTION 10-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner.

SECTION 10-605 ASSAULTING CITY OFFICER.

No person shall knowingly commit any assault, battery or assault and batter any City official or police officer or firefighter while in the performance of their duties.

State Law Reference: Assaulting law officer, 21 O.S. §§ 649, 650.

SECTION 10-606 RESISTING A POLICE OFFICER.

- A. It is unlawful to resist, oppose or assault, prevent, fail to cooperate with, 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

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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.

SECTION 10-607 CITIZENS' DUTY TO ASSIST.

It is the duty of all persons in the city when called upon by any police officer to promptly aid and assist him in the execution of his duties.

SECTION 10-608 OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER.

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

SECTION 10-609 ELUDING POLICE OFFICER BY MOTOR VEHICLE.

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

SECTION 10-610 USE OF SIREN OR WHISTLE.

- A. No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.
- B. No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

SECTION 10-611 IMPERSONATING A POLICE OFFICER OR ANY CITY OFFICER.

- A. No person, other than police officers of the City, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the City.

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- B. No person shall do or attempt any act to impersonate a police officer.
- C. It is unlawful to falsely impersonate any officer or employee of the city, or falsely represent himself to be an officer or employee of the city, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being authorized to do so.

State Law Reference: Impersonating public officers, 21 O.S. §§ 263, 264, 1533.

SECTION 10-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS.

- A. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the city, or on any official application or to commit perjury before any tribunal of the city.
- B. No person shall wilfully and without probable cause make a false report to any person of any crime, violation of the city's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

SECTION 10-613 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 or any other emergency personnel, or summon 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 or unnecessary run to any part of the city or outside the city. It shall also be an offense to permit any false call or alarm that causes the fire department or police department or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. After three such false calls from the same premises during one year, the owner of the premises shall be deemed in violation of this section for each such false call thereafter occurring during the same calendar year.

SECTION 10-614 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.

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SECTION 10-615 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

- A. 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;
- B. Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or
- C. 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.

SECTION 10-616 DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES.

- A. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
- B. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
- C. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department, and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.
- D. No person shall follow or block the way of any emergency vehicle engaged in emergency run, or knowingly interfere with officers at the location of any fire or emergency.

State Law Reference: Interfering with firefighters 21 O.S. § 127.

SECTION 10-617 TAMPERING WITH SIGNS, EQUIPMENT.

It is unlawful for any person to tamper with any signs, signal equipment or other

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device placed, operated and maintained by the city in connection with the administration of its code provisions, ordinances, regulations, services, functions or performance of duties thereto.

Cross Reference: See also tampering with public utilities, Section 10-314.

SECTION 10-618 INTERFERING WITH POLICE DOG IN PERFORMING FUNCTIONS OR DUTIES.

It is unlawful and an offense for any person to interfere with, tease, meddle with, throw objects at or toward, torture, torment, injure, beat, strike, kick, mutilate, disable or kill any dog used by the police department of the city, or any member thereof, in the performance of the functions or duties of the department.

SECTION 10-619 DESTROYING, TAMPERING WITH EVIDENCE.

It is unlawful to destroy, alter, conceal, or disguise physical evidence, plant false evidence or furnish false information to an officer which impedes that or another officer in the performance of his duties, or which is intended to prevent the apprehension or to obstruct the prosecution or defense of any person.

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CHAPTER 7

NOISE REGULATIONS

Section 10-701	Definitions.
Section 10-702	Sound Amplifying Devices on Moving Vehicles.
Section 10-703	Sounds Which May Be Transmitted.
Section 10-704	Hours of Operation.
Section 10-705	Application.
Section 10-706	Appeal.
Section 10-707	Maximum Audibility Permitted.
Section 10-708	Chimes.
Section 10-709	Permits.
Section 10-710	Exhaust and Muffler Systems, Condition.
Section 10-711	Persons in Violation.
Section 10-712	Evidence of Decibel Rating.
Section 10-713	Testing Procedure.
Section 10-714	Defense or Excuse.
Section 10-715	Operation Within the City.
Section 10-716	Retail Distributors.
Section 10-717	Alternation for Hire.
Section 10-718	Other Noise Practices Prohibited.

SECTION 10-701

DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Ambient noise" means all all-encompassing noise associated with a given environment, usually being a composite of sounds from many sources near and far, but excluding the specific noise source being measured;

"Decibel of sound" means a unit of sound level which denotes a ratio between two (2) quantities which are proportional to the power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ration;

"Excess noise or sound" means a volume of sound being emitted from a motor vehicle which is unreasonable in volume for the circumstances then existing and which, because of the time, place and circumstances existing, constitutes a public nuisance because of being an assault upon the right of others to be secure in their health, welfare, peace and dignity;

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"Motor vehicles" mean any motor-driven vehicle having two (2) or more wheels, expressly excluding civil defense equipment, emergency vehicles, earth moving equipment, lawn mowers, yard tractors, farm tractors and farming implements, and specifically including but not limited to vehicles commonly known as automobiles, trucks, motorcycles, and the like;

"Sound amplifying device" means a radio receiving set, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial or noncommercial advertising or attracting the attention of the public; provided, that nothing in this section shall be interpreted to include the sounds customarily given by emergency vehicles or chimes, as hereafter defined. "Chimes", as used herein, shall mean bells which are rung or played in such a manner as to produce music, and shall not include recorded or reproduced sounds of bells or amplified sounds of bells;

"Sound level meter" means an instrument including a microphone, an amplifier, an output meter and a frequency weighing network for the measurement in decibels of noise and sound levels in a specified manner.

[Ord. 1256, 12/04/1976; Ord. 1558, 09/23/1976]

SECTION 10-702 SOUND AMPLIFYING DEVICES ON MOVING VEHICLE.

It shall be unlawful for any person to operate or cause to be operated a sound amplifying device upon a moving vehicle or when the same is attached to a vehicle which, in the operation of such device, is moved from place to place. [Ord. 1256, 12/04/1976]

SECTION 10-703 SOUNDS WHICH MAY BE TRANSMITTED.

The only sounds to be transmitted from a sound amplifying device as defined in this chapter shall be music or human speech; provided, that such speech or music shall not be profane, lewd, indecent, or scandalous. [Ord. 1256, 12/04/1976]

SECTION 10-704 HOURS OF OPERATION.

It shall be unlawful to use, operate, or cause to be operated a sound amplifying device in the city between the hours of 11:00 p.m. and 8:00 a.m. or to operate such device within a distance of three hundred (300) feet of a rest home, nursing home, hospital or clinic, such distance to be measured from the nearest part of such rest home, nursing home, hospital or clinic. [Ord. 1256, 12/04/1976]

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SECTION 10-705 APPLICATION.

Every person operating or causing to be operated a sound amplifying device shall first file an application for this purpose with the city manager. Such application shall be upon a form prescribed by the city manager, which shall show the name and address of the applicant, the purpose for which sound amplification will be used, the location of the sound amplifying device when in use, the proposed hours and duration of operation, and the approximate maximum distance which such sound will reach. Such application shall be filed not less than one day prior to the proposed use of the sound amplifying device, and the permission for use thereupon shall not extend beyond the calendar year in which granted. [Ord. 1256, 12/04/1976]

SECTION 10-706 APPEAL.

If, after the making of an application as provided for by Section 10-705, the right to operate and use a sound amplifying device is refused by the city manager, the applicant shall have the right to appeal such decision to the city council of the city and such appeal shall be heard at the next regular meeting of such board following the refusal of the application. Until such appeal is heard, the applicant is prohibited from the use of a sound amplifying device in the city. [Ord. 1256, 12/04/1976]

SECTION 10-707 MAXIMUM AUDIBILITY PERMITTED.

Sound amplifying devices shall be operated in such a manner that the same will not be clearly audible at a distance of over one hundred fifty (150) feet when the same is directed over or upon a public street, and not over a distance of eight hundred (800) feet when operated or used in a park, playground or place of public assembly upon private property. [Ord. 1256, 12/04/1976]

SECTION 10-708 CHIMES.

The foregoing provisions of this chapter shall not apply to chimes, as defined by Section 10-701. However, the use of chimes for the production of sounds to be cast upon the public streets or public places of the city outside of buildings or homes shall be prohibited; except, that the use of chimes by regularly organized churches shall be permitted on the following days, except between the hours of 11:00 p.m. and 8:00 a.m., to-wit: Sundays, or Saturdays if they are the days designated by a church for its regular weekly religious service, Easter, Independence Day, Veterans Day, Thanksgiving Day and the days from December 15 to December 25, inclusive. No permit shall be required for the use of chimes as provided in this section, but the same shall not be operated in such a manner as to constitute a public nuisance as defined by this code and other ordinances of the city. [Ord. 1256, 12/04/1976]

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SECTION 10-709 PERMITS.

The City Council is authorized to issue permits that would allow the use of chimes at times other than those times permitted in Section 10-708. Such permits shall be issued on a case by case basis so as not to permit public nuisances as defined by this code. [Ord. 1741, 01/19/1971]

SECTION 10-710 EXHAUST AND MUFFLE SYSTEMS, CONDITION.

Every motor vehicle being operated within the City shall be equipped with an exhaust and muffler system in good working order and in a condition of repair or design which shall not allow an unreasonable and excessive noise or sound to be emitted, and it shall be a violation of this section for any motor vehicle being operated within the city to emit an excessive sound or noise, as herein defined, or to emit or be capable of emitting, a sound or noise of eighty-six (86) decibels or more. [Ord. 1558, 09/23/1976]

SECTION 10-711 PERSONS IN VIOLATION.

It shall be unlawful for any person to operate a motor vehicle within the city when such motor vehicle is capable of emitting noise or sound which constitutes a violation of Section 10-709 of this chapter, and it shall be unlawful for any owner of a motor vehicle to allow such motor vehicle to be operated within the city when such owner knows or has reason to know that such motor vehicle is capable of emitting a noise or sound which constitutes a violation of Section 10-709 of this chapter; provided that, this section shall not be applicable while such motor vehicle is being reasonably operated as an incident to the actual repair process required to cause such motor vehicle to comply with the requirements of this chapter. [Ord. 1558, 09/23/1976]

SECTION 10-712 EVIDENCE OF DECIBEL RATING.

In all cases of an arrest made or citation given for a violation of sections 10-709 to 10-712 of this chapter, the person charged with such violation shall have the right to refuse or consent to the motor vehicle in question being tested by a sound level meter for noise or emission levels by a procedure as hereinafter provided, and the results obtained from such tests may be used in the municipal court of the City as evidence for or against the person charged with a violation of this chapter. [Ord. 1558, 09/23/1976]

SECTION 10-713 TESTING PROCEDURE.

- A. In all instances wherein a sound level meter is used to obtain results of a noise or sound emission level, the persons administering such tests shall be first qualified to perform such tests by the chief of environmental health of the county or by the City police chief.

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- B. In performing noise level tests for decibel rating, the sound level meter shall be located no closer than twenty-five (25) feet from the subject vehicle being tested and such motor vehicle shall not be located closer than ten (10) feet from any walls, barriers or other structures which are capable of reflecting sound and such tests shall be performed while the motor of such motor vehicle is being fully revved at a standing position in order to obtain a reading of the highest number of decibels of noise capable of being produced through the exhaust or muffler system, if any, of such motor vehicle.
- C. Ambient noise is a factor and the noise emitted from the motor vehicle being tested must exceed the surrounding ambient noise by ten (10) decibels or more in order for the decibel reading obtained by the sound level meter to be used in evidence of a violation of this chapter against the person charged with such violation.
- D. The sound level meter approved to perform the tests as herein provided shall be a sound level meter which has been manufactured according to the specifications of the International Electrical Commission of the American National Standards Institute.

[Ord. 1558, 09/23/1976]

SECTION 10-714 DEFENSE OR EXCUSE.

It is expressly declared that it shall not be a defense or excuse for a violation of Sections 10-710 to Section 10-712 of this chapter that the motor vehicle emitting noises in excess of that allowed by this chapter is equipped with a muffler or exhaust system in the same working order as originally installed by the manufacturer or distributor thereof because of the higher nature of the necessity to preserve the peace, dignity, safety, health, and welfare of the citizens of the City. [Ord. 1558, 09/23/1976]

SECTION 10-715 OPERATION WITHIN THE CITY.

A motor vehicle creating a noise in violation of Section 10-710, as above provided, shall not be allowed to operate within the City until the exhaust or muffler system of such motor vehicle has been repaired or replaced to comply with the noise emission standard established by this chapter. [Ord. 1558, 09/23/1976]

SECTION 10-716 RETAIL DISTRIBUTORS.

It shall be a violation of this chapter for any person, firm or corporation selling motor vehicles as an ordinary course of business to sell, lease, or loan a motor vehicle intended

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for use within the city if such motor vehicle at the time of the sale, lease, or loan is capable of violating this chapter. [Ord. 1558, 09/23/1976]

SECTION 10-717 ALTERNATION FOR HIRE.

It shall be a violation of this chapter for any person, firm or corporation acting for hire to knowingly alter, change or repair the muffler or exhaust system of a motor vehicle in order to cause such motor vehicle to be capable of producing a noise in violation of this chapter if such motor vehicle is intended to be used within the city. [Ord. 1558, 09/23/1976]

SECTION 10-718 OTHER NOISE PRACTICES PROHIBITED.

- A. No motor vehicle shall be operated in a manner producing loud and unnecessary squealing of tires.
- B. No motor vehicle shall sound its horn, bell, siren or other signaling device, except in an emergency situation or as a danger or cautionary warning.
- C. No person shall race the engine of a motor vehicle in such a manner as to produce unreasonably loud and unnecessary noises.

[Ord. 1558, 09/23/1976]