

PART 10

OFFENSES AND CRIME

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§ 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. (Prior Code, Chapter 14, as amended.)

§ 10-102 AIDING IN AN OFFENSE.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender. (Prior Code, Chapter 14, as amended)

§ 10-103 “OFFENSE” DEFINED.

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

§ 10-104 “VIOLATION” DEFINED.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any title, or chapter hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful.

§ 10-105 PENALTY NOT TO EXCUSE OFFENSE.

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

§ 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.

§ 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. (Prior Code, Chapter 14, as amended)

§ 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.

§ 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.

§ 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 therefore against the property of the city or the person or property of another person shall be guilty of an offense.

§ 10-111 LIMITATIONS OF ACTIONS.

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

§ 10-112 STATE MISDEMEANORS ADOPTED.

There is hereby adopted and incorporated herein by reference all offenses declared by state law to be misdemeanors, including but not limited to, those contained in Titles 21, 47 and 63 of the Oklahoma Statutes. A copy of these applicable state laws are available in the office of the city clerk.

CHAPTER 2

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§ 10-201 PETIT LARCENY PROHIBITED.

- A. Petit larceny is the taking of personal property of value not exceeding five hundred dollars (\$500.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the “person” of another.
- B. Petit larceny is unlawful, and any person who commits larceny shall be guilty by a fine of not less than ten dollars (\$10.00) or more than five hundred dollars (\$500.00), or imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the municipal court. (Prior Code, Chapter 14, as amended, Ord. No. 676, 3/22/11)

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

§ 10-202 TAMPERING WITH AUTOMOBILES AND OTHER VEHICLES.

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

- B. It is unlawful for any person to mutilate, deface or injure any automobile or other vehicle, or to remove therefrom any number, tag or mark indicating ownership or identity thereof. (Prior Code, Chapter 14, as amended)

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

§ 10-203 DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.

- A. It is unlawful for any person to purposely destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another or to use any such property wrongfully to the detriment of the owner or other person entitled to its use. It is unlawful to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.
- B. It is unlawful for any person to loosen or remove any plank, board, block, brick, stone, stringer, support or other part from, or to injure or destroy, any sidewalk, crossing, bridge, culvert, viaduct, gate, sign or other property of another, without lawful authority. (Prior Code, Chapter 14, as amended)

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

§ 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (Prior Code, Chapter 14, as amended)

§ 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

It is unlawful for any person to throw or shoot any stone or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or project any stone or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property. (Prior Code, Chapter 14, as amended)

§ 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES, LARCENY.

- A. It is unlawful for any person to adjust, connect, disconnect, molest, injure, destroy or in any way tamper with any water or gas pipe, any telephone or cable pole or apparatus, meter loop, riser or connection belonging thereto, or any water, gas, cable or electric meter box or housing, or any pipe, wire, conduit or connection belonging thereto, or any other part of water, gas, cable or electrical system, or to do any act or use any contrivance

to prevent or affect correct and proper registration by any such meter. This shall not apply to officers and employees of the city or of any person, firm or corporation owning or operating such water, gas or electric system, acting in line of duty.

- B. No person shall, without lawful authority, make any splice, tap or other connection into or any cable, wire, pipe or other connection into or on any cable, wire, pipe or other service furnished to the residents of the city by the city of by any person, firm or corporation operating in the city under a valid permit issued by the city.
- C. Any person who, with intent to defraud, makes or causes to be made any pipe, wire, or other instrument or contrivance and connects the same or causes the same to be connected with any pipe provided for the purpose of conducting water or gas, or with any wire or other electrical conductor provided for the purpose of conducting electricity, or cable, so as to conduct such gas, water, cable, or electric current, to a point where the same may be consumed, without its passing through meters provided for registering the quantity consumed, or in any manner so as to evade payment therefore, whether the gas, water or electrical current is furnished through a meter or not, shall be guilty of an offense. Every person who, with like intent, injures or alters any gas, electric or water meter or obstructs its action, is guilty of an offense. (Prior Code, Chapter 14, as amended)

§ 10-207 THROWING ADVERTISING ON STREET PROHIBITED.

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter. (Prior Code, Chapter 14, as amended)

§ 10-208 THROWING INJURIOUS SUBSTANCES.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal. (Prior Code, Chapter 14, as amended)

§ 10-209 INJURY TO PUBLIC PLANTS AND TREES.

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the city, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground. (Prior Code, Chapter 14, as amended)

§ 10-210 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

- A. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city;
- B. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
- C. Dig any hole, ditch or trench in any public street, road, avenue, or alley, or any other public premises or grounds within, belonging to or under the supervision or control of the city;
- D. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the city; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
- E. Connect any driveway to any street or other public place without first securing permission from the city inspector so to do.
- F. Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or city engineer. (Prior Code, Chapter 14, as amended)

§ 10-211 DAMAGING, DESTROYING TREES, PLANTS OR FRUIT, TRESPASS.

It is unlawful for any person to willfully cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root, plant, vine, shrub or bush whatever, which is the property of another, standing on or attached to the land of another, or to pick, destroy or carry away therefrom or in any way interfere with any part of the fruit thereof, or to trespass on the premises of another, without the consent of the owner or the person in charge. (Prior Code, Chapter 14, as amended)

§ 10-212 ALTERING, OBSTRUCTING GUTTERS, DRAINS, STREAMS AND OTHER WATER PASSAGES.

- A. It is unlawful for any person to change, alter, deflect, destroy or injure any gutter, waterway, water outlet, drain, ditch, stream or other water passage, either natural or artificial, in or upon the streets, avenues, alleys, or other public ways or public property within the city or to change the course or flow of any water passage or stream running upon his property or upon the side of the street adjacent to his property in such a manner as to cast the stream or flow of water into the public street or other public way or upon the property of another.
- B. It is unlawful for any person to fill up, deflect or obstruct any gutter, waterway, water outlet, drain, stream, ditch, sewer or other water passage, either natural or artificial, by throwing or causing to be thrown therein any trash, rubbish, garbage, brush or other thing.

- C. If it becomes necessary to change, alter or in any way interfere with any gutter, drain, ditch, stream or other water passage, for the purpose of protecting the streets or other public ways or property, or for the protection or preservation of the property of any person, it shall be necessary first to obtain the consent of the city manager. (Prior Code, Chapter 14, as amended)

§ 10-213 UNLAWFUL INTRUSION UPON LAND.

It is unlawful for any person to intrude or squat upon any lot or piece of land within the city without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the city, any hut, shanty, hovel, or other structure without authority of law or ordinance. (Ord. No. 215-A, 2/16/82)

§ 10-214 ILLEGAL ENTRANCE.

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. (Ord. No. 215-A, 2/16/82)

§ 10-215 TRESPASS PROHIBITED.

- A. For the purpose of this section, the following terms shall be defined as follows:
1. “Public property” means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
 2. “Private property” means any property other than public property; and
 3. “Trespass” means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless

hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this sub§.

- B. It is unlawful for any person to trespass on private property. (Ord. No. 215-A, 2/16/82)

§ 10-216 PARKING ON PROPERTY OF ANOTHER PERSON OR BUSINESS.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, parking area, yard, or any portion of the premises or property of another person or business, including but not limited to, any restaurant, gasoline/filling station or other business, when signs are posted citing that such parking is illegal without the expressed or tacit consent of the owner or person in charge thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance. (Prior Code, Chapter 14, as amended)

§ 10-217 INTERFERENCE WITH FIRE HYDRANTS.

- A. It is unlawful for any person except one duly authorized by the city water superintendent or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the city.
- B. It is unlawful for any person to obstruct free access to any fire hydrant in the city. The obstructions prohibited in this section include, but are not limited to, those caused by placement of boxes, cartons, or other containers, or brick, lumber or dirt, near or around such hydrants, or the growth of grass, weeds or plants near the fire hydrants. (Prior Code, Chapter 14, as amended)

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

§ 10-218 DEFACING PUBLIC PROPERTY.

It is an offense for any person to maliciously or willfully deface, injure, destroy, smear or bedaub any building, sidewalks, streets, pavement, curbing, water or sewer lines, or other real or personal property of the city. (Prior Code, Chapter 14, as amended)

§ 10-219 PUBLIC GROUNDS, USE OF.

Any person who shall maintain, erect, or permit the erection of any building, hut, hotel, shanty, tent or other structure under his or her control, upon any street, sidewalk, alley, avenue, or other public grounds of the city, shall be guilty of an offense. (Prior Code, Chapter 14, as amended)

§ 10-220 MALICIOUS MISCHIEF.

Malicious mischief is hereby defined as any injury or destruction done to the property of another person and prompted by malice or hatred toward another or an injury or destruction done to the

property or another in wanton and malicious manner. Malicious mischief is an offense. (Prior Code, Chapter 14, as amended)

§ 10-221 OBSTRUCTIONS ON STREETS AND SIDEWALKS.

It is unlawful for any person to encroach, obstruct or encumber by fence, wall, buildings, boxes, stands, structures or otherwise, or in any manner to obstruct any of the public highways, streets, alleys, roads, or sidewalks within the city or permit to be opened or leave open any cellar door, manhole or grating of any kind, in or upon the street, sidewalk or alley of the city. (Prior Code, Chapter 14, as amended)

§ 10-222 INTERFERENCE WITH OR OBSTRUCT USE OF STREETS, SIDEWALKS.

A. It is unlawful for any person to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or which any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section. (Prior Code, Chapter 14, as amended)

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§ 10-309	Political advertising on rights of way.
§ 10-310	Special events signs.

§ 10-301 DISTURBING THE PEACE, DISORDERLY CONDUCT.

- A. It is unlawful to disturb or alarm the peace of another or others or conduct oneself in a disorderly manner by doing any of the acts set out in Subsection B of this section.
- B. Disturbing the peace or disorderly conduct is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others;
1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
 2. Appearing in an intoxicated condition;
 3. Engaging in a 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;

8. Making unnecessarily loud, offensive noises; (Refer to Section 10-308)
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (Prior Code, Chapter 14, as amended) (Ord. No. 703, 11/19/13)

§ 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE.

- A. It is unlawful for any person, firm or corporation within the city to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.
- B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:
 1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
 2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault. (Prior Code, Chapter 14, as amended)

§ 10-303 FIREWORKS SALE, DISCHARGE, REGULATED.

- A. The term “fireworks” shall be as defined in § 1622 of Title 68 of the Oklahoma Statutes.
- B. The sale, possession or display for sale of fireworks within the city is hereby prohibited except for the period beginning on June 20 and continuing through July 5 of each year.
- C. Any person desiring to sell fireworks shall procure a license therefore from the city clerk on or before June 15 of each year. The clerk shall collect a fee in such sum as set by the council and a deposit clean-up fee. The deposit will be refunded if the clean-up is properly made by July 20.
- D. The license to sell fireworks may be revoked by the city manager whenever it is made to appear to him that the licensee has violated any of the regulations herein imposed. (Prior Code, § 8-9, 8-10)

Cross Reference: Fire Prevention Code, § 13-101; fireworks sales, licensing §§ 9-601 et seq.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. § 1624; State fireworks licenses, 68 O.S. §§ 1621 et seq.; Municipal power to regulate, 11 O.S. § 22-110.

§ 10-304 STORING OR KEEPING EXPLOSIVES, DYNAMITE, NITROGLYCERIN.

- A. It is an offense for any person to keep or permit to be kept in the city any gun powder, blasting powder or giant powder. Any merchant, for the purposes of sale, may keep in stock a quantity not greater than twenty-five (25) pounds of each kind. All the powder mentioned herein shall be stored and kept in cans, casks or canisters provided with tightly fitting lids. Such cans, casks or canisters shall be placed in a box or chest securely covered on the outside with iron or other metal and shall be provided with substantial handles at each end and shall have the word “powder” printed thereon. Powder containers shall be kept at least twenty (20) feet from a place where there is a fire or open flame.
- B. It is an offense for any person to keep or bring into or permit to be kept or brought within the corporate limits of the city, any dynamite or nitroglycerin without the consent or permission of the city council. (Prior Code, §§ 8-11, 8-12)

§ 10-305 CARRYING WEAPONS, EXCEPTIONS.

- A. It is unlawful for any person, except as may be authorized by law, to carry upon or about his person or in his vehicle or automobile, any firearm, pistol, revolver, or weapon of the kind usually known as bowie knife, dirk knife, switchblade knife, nunchucks, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or other dangerous, deadly weapon.
- B. The police of the city are hereby authorized to seize, remove or destroy any air rifle, air pistol or similar instrument in which the propelling force is a spring or air and possessed in violation of this chapter. (Prior Code, Chapter 14, as amended)

State Law Reference: State Firearms Act, 21 O.S. §§ 1289.1 et seq.; Similar provisions, 21 O.S. § 1272; Authority of city to prohibit carrying of weapons, 11 O.S. § 22-110.

§ 10-306 DISCHARGING WEAPONS, EXCEPTIONS.

- A. It is unlawful for any person to discharge or fire a firearm, including an air rifle or BB gun, rifle, CO² gun, slingshot or bow and arrows.
- B. This section shall not apply to the following circumstances:
 - 1. In necessary self defense of persons or property;
 - 2. A law enforcement officer or security guards in the performance of their duty;

3. For the purpose of target shooting or practice on a range operated by qualified personnel; qualified personnel shall consist of either a certified firearms safety instructor, rifle or pistol marksmanship instructor certified by the National Rifle Association, or person designated by a rifle or pistol club, public or private school or military agency;
4. For the purpose of target shooting on private premises with air, spring or CO² operated BB, pellet guns, bow and arrows or slingshots, if:
 - a. The target area is enclosed in such a manner and with materials that will stop the projectiles;
 - b. Such target shooting is supervised by an adult at all times; and
5. In an undeveloped area for hunting purposes, limited to shotgun use with number 7½ size shot or smaller and bow and arrows, so long as the shot or arrow does not pass or is likely to pass through or fall within a populated area or place of habitation;
6. In an area recommended as a hunting area by the state and posted as such;
7. Any military exercise or parade; or
8. Events. The discharge of weapons may be authorized by the council upon proper application by duly organized city social, civic, charitable, educational, religious or fraternal organizations, principally operating in and based in the city for a single or continuing event for such time period as the council may prescribe subject to the conditions contained in this section and the applicable zoning ordinances which must be met prior to the application as set forth in this section. The judgment of the city council concerning whether such organization is a proper city organization shall be final. Additionally, the city council may set forth any other standards concerning safety at such events.
 - a. Application. The application shall be made upon forms as prescribed by the city manager;
 - b. Insurance. Applicants shall furnish, as a condition to securing permission from the city council for the event, a public liability or standard general liability policy or spectator liability or special events policy as deemed appropriate by the city in an amount not less than five hundred thousand dollars (\$500,000.00), combined single limit, to include both property damage and bodily injury, with the city as an additional insured.
 - c. Safety Officer. A safety officer provided by the organization shall be required to be present during all hours of operation of the event. Such officer shall be designated by the organization and approved by the city

manager.

- d. Gun Rest Requirements. The organization must provide a safe gun rest that accommodates the total number of participants.
 - e. Authority to Discontinue or Order Changes. The city manager or his designee is authorized to order the event discontinued immediately or to order such other arrangements for safety as he deems necessary if he finds that the event is not operated or supervised in a manner so as not to endanger the lives of persons and property, including those participating in the event. In those instances when the event is ordered discontinued, the organization must seek permission from the council before subsequent events may be held. (Prior Code, Chapter 14, as amended)
9. For the purpose of using CO² operated guns on a private or public paintball course; provided that the paintball course, in the judgment of the city manager or his designee, operates in accordance with the standards of safety in the industry and operates in such manner that the paintballs or projectiles do not pass or are not likely to pass through or fall within a populated area or place of habitation. (Ord. No. 559, 2/25/03)

State Law Reference: Discharging firearms or air rifles in public places, 21 O.S. § 1364; Authority of city to prohibit discharge of firearms, 11 O.S. § 22-110.

§ 10-307 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. (Prior Code, Chapter 14, as amended)

§ 10-308 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

A. It shall be unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated or permitting to be operated any contrivance, whether electric or not, with or without a loudspeaker, in such a manner as to emit loud music, noise including low frequency bass or words. This section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

B. It shall be prima facie evidence of a violation of this section if the sound can be heard outside the limits described below:

(1) Playing or operating or permitting the playing, use or operation of any radio, musical instrument, phonograph or other machine or device for the producing or reproducing sound including low frequency bass if such sound is for the purpose of entertainment or is used for that

purpose and can be heard or felt from the distance of fifty (50) feet or if the source of such sound is located upon any public right-of-way; or

(2) If said source is located upon any public right-of-way and can be heard inside a structure or in a motor vehicle other than the source of said noise, and if in the receiving motor vehicle all doors and windows are closed.

(3) The City Council or City Manager is hereby authorized to suspend enforcement of this section in conjunction with a special event which has been approved by the City Council or City Manager. Said suspension of enforcement shall specify the location and time during which enforcement of this section is to be suspended.

C. It is an affirmative defense to charge under this section that any of the following apply:

1. The system was being operated by a sound amplification system to request medical or vehicular assistance or to warn of a hazardous road condition;
2. The vehicle was an emergency or public safety vehicle;
3. The vehicle was owned and operated by a governmental agency or public or private utility company; or
4. The noise level occurred during authorized public activities, such as parades, fireworks, sports events, school activities or other activities which have been approved by the city council or city manager.
5. An emergency repair of an immediate nature.

D. It is unlawful to use the Police to harass by complaining three or more times in any 12 month period about unsubstantiated and or unreasonable complaints of noise violations.

E. Any person who violates any provision of this section, upon conviction, shall be subject to a fine as provided in § 1-108 of this code.

(Prior Code, Chapter 14, as amended; Ord. No. 408, 11/5/91; Ord. No. 703, 11/19/13, Ord. No. 898-2023, 8/15/23)

§ 10-309 POLITICAL ADVERTISING ON RIGHTS OF WAY.

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

1. Location Allowed: Is not regulated, except for the following:

- a. Political signs shall not be placed or otherwise affixed to any utility pole, or utility structure, or any tree or traffic control device or warning sign located in a street rights-of-way or easement.
 - b. Political signs may be located in the street rights-of-way or easements as long as they are placed in the ground and not on utility poles or structures, trees, or traffic control devices or warning signs; nor shall they be of such placement that they would block line-of-sight at intersection corners.
2. Duration: Allowed only thirty (30) days before and ten (10) days after election to which they pertain.
 3. Bond to ensure signs are removed.
 - a. Political signs that are placed in the public rights-of-way or public easements shall only be considered in compliance when a cashier's check payable to the city has been posted in an amount as set by motion or resolution for all political signs placed in the city limits pertaining to the candidacy of an individual or individuals for public office or concerning support or opposition to any public issue. In order to have the full amount of the cashier's check released, all political signs pertaining to the candidacy or issue, shall be removed.
 - b. In the event all political signs are not removed from the public rights-of-way or public easements ten (10) days after the election to which they pertain, the code enforcement officer shall be permitted to impound the sign from the public rights-of-way or easements. If it is necessary for the code enforcement officer to impound a political sign in the rights-of-way or easement, the cashier's check shall be reduced by the amount set by motion or resolution per sign for each sign required to be impounded. The signs recovered may be claimed by and returned to the responsible party. If not claimed within thirty (30) days after an election, such signs shall be destroyed. The code enforcement officer shall within thirty (30) days after the election, determine if all political signs, pertaining to the candidacy or issue, that are located in the public rights-of-way or easements have been removed. The cashier's check or the amount remaining, based on the number of signs that have been impounded, may be claimed by and returned to the responsible party after thirty (30) days after the election, then said amount shall be deposited into the general fund of the city and the responsible party shall have no right to any claim or refund on the deposit. (Ord. No. 537, 1/2/01)

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

- § 10-401 Public intoxication and drinking prohibited.
- § 10-402 Marijuana prohibited.
- § 10-403 Drug paraphernalia.
- § 10-404 Prostitution.
- § 10-405 Disorderly house.
- § 10-406 Nudity, improper dress, indecent exposure.
- § 10-407 Definitions, obscenity regulations.
- § 10-408 Prohibited obscene conduct.
- § 10-409 Vagrancy defined for specific acts.
- § 10-410 Curfew for minors.
- § 10-411 Sleeping in or on public places.
- § 10-412 Remaining on school property.
- § 10-413 Begging prohibited.
- § 10-414 Gambling prohibited.
- § 10-415 Being about place where gambling is going on.
- § 10-416 Harmful deception.
- § 10-417 False or bogus checks.
- § 10-418 Prevention of youth access to tobacco.
- § 10-419 Furnishing or sale of tobacco products to minors.
- § 10-420 Tobacco purchase by minors prohibited.
- § 10-421 Distribution of tobacco product samples.
- § 10-422 Cigarettes sold in original, sealed package.
- § 10-423 Required signage in retail establishments.
- § 10-424 Retail employee notice and acknowledge.
- § 10-425 Tobacco vending machine requirements.
- § 10-426 Public access to displayed or sale of tobacco products - assistance from store owner or other required.
- § 10-427 Restrictions on manner of enforcement.
- § 10-428 Furnishing cigarette papers, pipes, and other items designed for smoking or ingestion of tobacco to minors.
- § 10-429 Truant children.
- § 10-430 Neglect or refusal to compel child to attend school.
- § 10-431 Defenses.
- § 10-432 Temporary detention of truant children.
- § 10-433 Penalties.

§ 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the city in a state of intoxication.
- B For the purposes of this code, a state of intoxication means the condition in which a

person is under the influence of any intoxicating, spirituous, vinous or malt liquors, nonintoxicating beverage, or of any narcotic, to such extent as to deprive the person of his or her full physical or mental power. (Prior Code, Chapter 14, as amended)

§ 10-402 POSSESSION OF MARIJUANA OR CONTROLLED DANGEROUS SUBSTANCES.

A. For purposes of this section, the following definitions apply:

- (1) “Controlled dangerous substance” means a drug, substance or immediate precursor in Schedules I through V as identified in 63 O.S. §§ 2-204, 2-206, 2-208, 2-210 and 2-212, as they may be amended or subsequently recodified.
- (2) “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:
 - (i) the mature stalks of such plant or fiber produced from such stalks,
 - (ii) oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of marijuana plant,
 - (iii) any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,
 - (iv) the sterilized seed of such plant which is incapable of germination,
 - (v) for any person participating in a clinical trial to administer cannabidiol for the treatment of sever forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,
 - (vi) for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Draver Syndrome, also known as Sever Myoclonic Epilepsy of Infancy, or any other sever form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant *Cannabis sativa* L. or any other

preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid,

- (vii) any federal Food and Drug Administration-approved cannabidiol drug or substance, or
- (viii) industrial hemp, from the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis which shall not be grown anywhere in the State of Oklahoma but may be shipped to Oklahoma pursuant to the provisions of subparagraph e or f of this paragraph;

(3) “Practitioner” means:

- (i) (A) a medical doctor or osteopathic physician,
(B) a dentist,
(C) a podiatrist,
(D) an optometrist,
(E) a veterinarian,
(F) a physician assistant under the supervision of a licensed medical doctor or osteopathic physician,
(G) a scientific investigator, or
(H) any other person, licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or
- (ii) a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

- B. It is unlawful for any person, knowingly or intentionally, to possess or use marijuana within the city, unless the person has been issued a medical marijuana license pursuant to 63 O.S. Section 420 *et seq.*
- C. It is unlawful for any person, knowingly or intentionally, to possess or use a controlled dangerous substance, unless pursuant to a valid prescription or order issued to them by a practitioner while acting in the course of a professional practice.

- D. It is unlawful for any person to do any act in violation of the provision of 63 O.S. Section 420 through 426.
- E. Any person who violates sections 10-402 shall, upon conviction, a plea of guilty or a plea of nolo contendere, be punished by a fine or imprisonment, or both, in accordance with section 1-108 of this Code, plus costs, and such punishment may be run consecutively for each separate offense provided further that any person in possession of marijuana up to one half (1.5) ounces by persons who can state medical condition, but not in possession of a state medical marijuana license shall constitute a misdemeanor offense with a fine not to exceed four hundred dollars (\$400.00) pursuant to 63 O.S. § 420 (B).
- F. In addition to the penalties provided under subsection (a) of this section, any person who violates sections 10-402 of this Code shall also pay a drug analysis fee of one hundred and fifty dollars (\$150.00) for each offense. The Municipal Court Clerk shall cause to be deposited the amount of one hundred and fifty dollars (\$150.00) as collected for every conviction as described in this subsection and shall remit monies collected pursuant to this subsection on a monthly basis to the Police Narcotics Enforcement Fund. Monies from said fund shall be utilized for:
- (1) The purchase and maintenance of equipment and drug testing kits for use by the Choctaw Police Department; and
 - (2) Education, training, and scientific development of police personnel and canine development.
- (Ord. 889-2023, 3/7/2023)

§ 10-403 DRUG PARAPHERNALIA.

- A. For the purpose of this section, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, §§ 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as “the act”, and adopted by reference herein. It includes, but is not limited to, those equipment, products and materials specified in § 2-101.1 of Title 63 of the Oklahoma Statutes on drug paraphernalia.
- B. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
- C. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture

with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

- D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Prior Code, Chapter 14, as amended)

State Law Reference: Similar provisions, 63 O.S. § 2-101.1

§ 10-404 PROSTITUTION.

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

Chapter 14, as amended)

§ 10-405 DISORDERLY HOUSE.

- A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
 2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including nonintoxicating beverages;
 3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or
 4. The violation of any state statute or city ordinance prohibiting gambling.
- B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- C. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.
- D. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (Prior Code, Chapter 14, as amended)

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

§ 10-406 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

- A. It is unlawful for any person to be in public view or:

1. Appear in any public place in the city in a state of nudity;
 2. Appear in any public place in the city in any offensive, indecent or lewd dress; or
 3. Make an indecent public exposure of his or her person.
- B. It is unlawful for any person to procure, counsel or assist any person to commit any of the acts in Subsection A of this section. (Prior Code, Chapter 14, as amended)

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

§ 10-407 DEFINITIONS, OBSCENITY REGULATIONS.

- A. The following terms, when used in this chapter, shall have the meaning respectively ascribed to them in this section:
1. “Obscene” means that to the average person applying contemporary community standards:
 - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. shameful or morbid interest in sexual conduct, nudity, or excretion;
 - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
 2. “Material” means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
 3. “Person” means any individual, partnership, firm, association, corporation or other legal entity;
 4. “Disseminate” means to transfer possession of, with or without consideration;
 5. “Knowingly” means being aware of the character and the content of the material;
 6. “Nudity” means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;

7. “Performance” means any preview, play, show, skit, film, dance or other exhibition performed before an audience.
8. “Available to the public” means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
9. “Service to patrons” means the provision of services to paying guests in establishments providing food and beverages; including, but not limited to, hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and
10. “Promote” means to cause, permit, procure, counsel or assist. (Ord. No. 135, 2/15/77, as amended)

§ 10-408 PROHIBITED OBSCENE CONDUCT.

A. It is unlawful for any person to:

1. Knowingly disseminate, distribute or make available to the public any obscene material;
2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;
3. Knowingly engage or participate in any obscene performance made available to the public;
4. Provide service to patrons in such a manner as to expose to public view:
 - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - c. Any portion of the female breast at or below the areola thereof; or
 - d. Knowingly promote the commission of any of the above listed unlawful acts. (Ord. No. 135, 2/15/77, as amended)

§ 10-409 VAGRANCY DEFINED FOR SPECIFIC ACTS.

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

- A. For the purpose of gambling with cards, dice or other gambling paraphernalia;
- B. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
- C. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
- D. For the purpose of injuring, destroying, molesting or defacing any property of another;
- E. For the purpose of assaulting any person;
- F. For the purpose of begging or soliciting alms, provided that this § shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
- G. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband. (Prior Code, Chapter 14, as amended)

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

§ 10-410 CURFEW FOR MINORS.

- A. Definitions. In this section the following terms, phrases, words and their derivations shall have the meaning given herein:
 - 1. “Curfew hours” means:
 - a. 12:00 midnight on any Sunday, Monday, Tuesday, Wednesday, Thursday until 6:00 A.M. of the following day;
 - b. 1:00 A.M. on any Friday or Saturday until 6:00 A.M. of the following day;
 - 2. “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
 - 3. “Establishment” means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment;

4. “Guardian” means:
 - a. A person who, under court order, is the guardian of the person of a minor;
or
 - b. A public or private agency with whom a minor has been placed by a court;
5. “Minor” means any person under eighteen (18) years of age;
6. “Operator” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. “Parent” means a person who is:
 - a. A natural parent, adoptive parent, or step-parent of another person; or
 - b. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor;
8. “Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops;
9. “Remain” means to:
 - a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises; and
10. “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. Offenses. The following offenses are established under this section:

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours;
2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours; and

3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses. The following defenses are established under this section:

1. It is a defense to prosecution under Subsection B that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. 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; or
 - i. Married or had been married or had disabilities of minority removed in accordance with state law; and
2. It is a defense to prosecution under paragraph 3 of Subsection B, that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement. Enforcement procedures are as follows:

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection C is present; and
 2. Absent an interlocal agreement with the district court for the municipal court to exercise jurisdiction over minors under eighteen (18) years of age under provisions of this section, pursuant to § 1102(E) of Title 10 of the Oklahoma Statutes, as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature, the municipal court must refer all alleged juvenile violations to the Juvenile Bureau of the district attorney's office.
- E. Penalties. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable as provided in § 1-108 of this code, or by imprisonment for not more than thirty (30) days, or by both. The municipal court's jurisdiction over a minor who violates the provisions of this chapter shall be expressly subject to Title 10 of the Oklahoma Statutes, as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature. (Prior Code, Chapter 14, as amended; Ord. No. 407, 9/17/91; Ord. No. 464, 2/21/95)

State Law Reference: Curfew for juveniles, 19 O.S. § 339.6.

§ 10-411 SLEEPING IN OR ON PUBLIC PLACES.

It is unlawful for any person, between the hours of 12:00 A.M. midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place. (Prior Code, Chapter 14, as amended)

§ 10-412 REMAINING ON SCHOOL PROPERTY.

It is unlawful for any person or persons to remain upon any properties owned by or in the possession of the public school system of the city, after any such person or persons have been requested to leave and vacate the school premises by any faculty member, principal, designated school employee, or by any police officer of the city. It is not an offense hereunder to enter or remain upon the school properties by a person having received permission therefore from any school faculty member, principal, designated school employee, or police officer of the city. (Ord. No. 106, 2/4/74, as amended)

§ 10-413 BEGGING PROHIBITED.

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need. (Prior Code, Chapter 14, as amended)

§ 10-414 GAMBLING PROHIBITED.

- A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:
1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;
 2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;
 3. To gamble knowingly in any other manner; or
 4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.
- B. It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.
- C. Excepted from the provisions of this section is any bingo game established and conducted lawfully in accordance with applicable state law and including lawful activities conducted pursuant to the Oklahoma Horse Racing Act. (Prior Code, Chapter 14, as amended)

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

§ 10-415 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. (Prior Code, Chapter 14, as amended)

§ 10-416 HARMFUL DECEPTION.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver. (Prior Code, Chapter 14, as amended)

§ 10-417 FALSE OR BOGUS CHECKS.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Fifty Dollars (\$50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term “false or bogus check” shall include checks or orders given for money or property which are not 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. (Prior Code, Chapter 14, as amended)

§ 10-418 PREVENTION OF YOUTH ACCESS TO TOBACCO.

The Prevention of Youth Access to Tobacco Act is hereby incorporated by reference and the following definitions are hereby established:

- A. “Person” means any individual, firm, fiduciary, partnership, corporation, trust, or associations, however formed;
- B. “Proof of Age” means a driver’s license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
- C. “Sample” means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;
- D. “Sampling” means the distribution of samples to members of the public in a public place; and
- E. “Tobacco Product” means any product that contains tobacco and is intended for human consumption.
- F. “Transaction Scan” means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification; and
- G. “Transaction Scan Device” means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification. (Prior Code, § 2-18; Ord. No. 489, 2/4/97; Ord. No. 634, 8/14/07)

§ 10-419 FURNISHING OR SALE OF TOBACCO PRODUCTS TO MINORS.

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

- B. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.
 - 1. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of Subsection B of this section.

- C. If the sale of a tobacco product to a minor is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation against the owner for purpose of a license suspension pursuant to Subsection D of this section.
 - 1. An owner of a store licensed to sell tobacco products shall not be deemed in violation of the provisions of subsections A or B of this section for any acts constituting a violation by an employee of the store owner, if the violation occurred prior to actual employment of the person by the store owner, or the violation occurred at a location other than the owner's retail store.

- D. Penalty. Any person violating the provisions of Subsections A or B of this section shall be guilty of an offense and upon conviction shall be punished by a fine of:
 - 1. Not more than One Hundred Dollars (\$100.00) for the first offense;
 - 2. Not more than Two Hundred Dollars for the second offense within a two-year period following the first offense.
 - 3. Not more than Three Hundred Dollars (\$300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding sixty (60) days; or
 - 4. Not more than Three Hundred Dollars (\$300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any

other penalty, the store's license to sell tobacco products may be suspended for a period not exceeding sixty (60) days.

- E. Record to be sent to the Alcoholic Beverage Laws Enforcement Commission. Upon conviction for violating the provisions of Subsections A or B of this section, a report of the conviction of the person shall be forwarded by the Municipal Court Clerk of the City of Choctaw to the Alcoholic Beverage Laws Enforcement ("ABLE") Commission for possible administrative action.
- F. Defenses. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under Subsections A or B of this section. A person cited for violation of this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:
1. The individual who purchased or received the tobacco product presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older; and
 2. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.
 3. Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this sub§ does not affect the availability of any other defense under any other provision of law.
- G. Notice to be sent to the Department of Public Safety. Upon failure of the employee to pay the fine within ninety (90) days of the day of the assessment of such fine, the Clerk of the Municipal Court shall notify the Department of Public Safety and the Department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety. Upon failure of a store owner to pay the fine within ninety (90) days of the assessment of such fine, the Clerk of the Municipal Court shall notify the Oklahoma Tax Commission and the Oklahoma Tax Commission shall suspend the store's license to sell tobacco products until proof of payment has been furnished to the Oklahoma Tax Commission.
- H. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of this Subsections A or B of this section, each individual franchise or business location shall be deemed a separate entity. (Ord. No. 634, 8/14/07; Ord. No. 637, 10/23/07)

- A. It is unlawful and an offense for any person who is under eighteen (18) years of age to purchase, receive, or have in their possession, a tobacco product or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided, however, that it shall not be unlawful for such any employee under eighteen (18) years of age to handle such tobacco products when required in the performance of the employee's duties.
- B. Penalty. Any person violating the provisions of Subsection A of this section shall be guilty of an offense and upon conviction shall be punished by a fine of:
 - 1. Not to exceed One Hundred Dollars (\$100.00) for a first offense; and
 - 2. Not to exceed Two Hundred Dollars (\$200.00) for a second or subsequent offense within a one-year period following the first offense.
- C. Upon failure of the individual to pay any fine within ninety (90) days of the day of assessment of such fine, the Clerk of the Municipal Court shall notify the Department of Public Safety and the Department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.
 - 1. The City shall establish rules to provide for notification to a parent or guardian of any minor cited for a violation of this section. (Ord. No. 634, 8/14/07)

§ 10-421 DISTRIBUTION OF TOBACCO PRODUCT SAMPLES.

- A. It shall be unlawful and an offense for any person or retailer to distribute tobacco products or product samples to any person under eighteen (18) years of age.
- B. Notwithstanding Subsection A of this section, no person shall distribute any tobacco products or product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school or other facility when the facility is being used primarily by persons under eighteen (18) years of age.
- C. Penalty. Any person violating the provisions of Subsections A or B of this section shall be guilty of an offense and upon conviction shall be punished by a fine of:
 - 1. Not more than One Hundred Dollars (\$100.00) for the first offense;
 - 2. Not more than Two Hundred Dollars (\$200.00) for the second offense; and
 - 3. Not more than Three Hundred Dollars (\$300.00) for a third or subsequent offense.
- D. Notice to be sent to the Department of Public Safety. Upon failure of an individual to pay any fine within ninety (90) days of the assessment of such fine, the Clerk of the Municipal Court shall notify the Department of Public Safety, and the Department shall

suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety. (Ord. No. 634, 8/14/07)

§ 10-422 CIGARETTES SOLD IN ORIGINAL, SEALED PACKAGE.

- A. It is unlawful and an offense for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. When a person violates Subsection A of this section, the municipal court shall assess such person an administrative fine of two hundred (\$200.00) dollars for each offense.
 - 1. Upon failure of the individual to pay such administrative fine within ninety (90) days of the assessment of such fine, the court clerk shall notify the department of public safety and the department shall suspend or not issue a driver's license to said individual until proof of payment has been furnished to the department of public safety. (Ord. No. 634, 8/14/07)

§ 10-423 REQUIRED SIGNAGE IN RETAIL ESTABLISHMENTS.

- A. Every person who sells or displays tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE." The sign shall also provide the toll-free number operated by the Alcoholic Beverage Laws Enforcement (ABLE) Commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.
- B. Any person violating the provisions of subsection A of this section shall be guilty of an offense and upon conviction shall be punished by an administrative fine of not more than Fifty Dollars (\$50.00) for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection A of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail. (Ord. No. 634, 8/14/07)

§ 10-424 RETAIL EMPLOYEE NOTICE AND ACKNOWLEDGE.

- A. Every person engaged in the business of selling tobacco products at retail shall notify each individual employed by that person as a retail sales clerk that state law:
 - 1. Prohibits the sale or distribution of tobacco products to any person under eighteen (18) years of age and the purchase or receipt of tobacco products by any person under eighteen (18) years of age; and
 - 2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age.

- B. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows:

“I understand that state law prohibits the sale or distribution of tobacco products to persons under eighteen (18) years of age and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension, or non-issuance of my driver license. In addition, I understand that violations by me may subject the store owner to fines or license suspension.” (Ord. No. 634, 8/14/07)

§ 10-425 TOBACCO VENDING MACHINE REQUIREMENTS.

- A. It shall be unlawful and an offense for any person to sell tobacco products through a vending machine unless the vending machine is located:
1. In areas of factories, businesses, offices, or other places that are not open to the public; or
 2. In places that are open to the public, but to which persons under eighteen (18) years of age are not admitted.
- B. Any person violating the provisions of subsection A of this section shall be guilty of an offense and upon conviction shall be punished by a fine of in accordance with § 1-108 of this Code. (Ord. No. 634, 8/14/07)

§ 10-426 PUBLIC ACCESS TO DISPLAYED OR SALE OF TOBACCO PRODUCTS - ASSISTANCE FROM STORE OWNER OR OTHER REQUIRED.

- A. It is unlawful and an offense for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.
- B. Any person violating the provisions of Subsection A of this section shall be guilty of an offense and punishable by a fine of not more than two hundred (\$200.00) dollars for each offense. (Ord. No. 634, 8/14/07)

§ 10-427 RESTRICTIONS ON MANNER OF ENFORCEMENT.

- A. Any conviction for violation of §§ 10-419 through 10-428 of this chapter and any compliance checks conducted by the city pursuant to subsection B of this section shall be

reported in writing to the ABLE Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission.

- B. Persons under eighteen (18) years of age may be enlisted by the city to assist in enforcement of §§ 10-419 through 10-428 of this chapter; provided, such persons may be used to test compliance only if written parental consent has been provided and the ABLE Commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE Commission in the manner prescribed by the ABLE Commission. The City may conduct, pursuant to rules of the ABLE Commission, compliance checks without prior notification to the ABLE Commission and shall be exempt from the written notice requirement of this subsection. This subsection shall not apply to the use of persons under eighteen (18) years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in 68 O.S. § 301, at any location the retailer of cigarettes is authorized to sell cigarettes. Any other use of persons under eighteen (18) years of age to test compliance shall be unlawful and punishable by a fine of One Hundred (\$100.00) Dollars. (Ord. No. 634, 8/14/07)

§ 10-428. FURNISHING CIGARETTE PAPERS, PIPES, AND OTHER ITEMS
DESIGNED FOR SMOKING OR INGESTION OF TOBACCO TO MINORS.

- A. It is unlawful and an offense for any person to sell, give or furnish in any manner to another person who is under eighteen (18) years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products.
- B. When a person violates sub§ A of this § shall be guilty of an offense and punishable by a fine of not more than one hundred (\$100.00) dollars for each offense. (Ord. No. 634, 8/14/07)

State Law Reference: The Prevention of Youth Access to Tobacco Act, 37 O.S. §§ 600.1 et. seq.

§10-429 TRUANT CHILDREN

- A. It shall be unlawful for any child subject to compulsory school attendance by law and who is within the corporate City limits of Choctaw, who is over the age of 5 years and under the age of 18 years, and who has not finished four years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session; and
- B. Any child subject to compulsory school attendance who is absent without lawful excuse is truant and guilty of an offense pursuant to this division. (Ord. No. 748, 06/21/16)

§10-430 NEGLECT OR REFUSAL TO COMPEL CHILD TO ATTEND SCHOOL

- A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five years, and under the age of 18 years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half day of kindergarten shall be required of all children five years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five years of age shall be excused from kindergarten attendance until the next school year after the child is six years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six years of age.

- B. Any parent, guardian, or other person having custody of a child who is over the age of five years, and under the age of 18 years, who neglects or refuses to compel child to attend school without lawful excuse is guilty of an offense pursuant to this division. (Ord. No. 748, 06/21/16)

§10-431 DEFENSES

It is a defense under this division that the child:

- A. Is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

- B. Is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

- C. Is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence;

- D. Is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal;

- E. Has attained his or her sixteenth birthday and is excused from attending school by written, joint agreement between:

1. The school administrator of the school district where the child attends school; and
2. The parent, guardian or custodian of the child.

Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of 18 years.

- F. Is excused from attendance at school, if the child is home schooled. (Ord. No. 748, 06/21/16)

§10-432 TEMPORARY DETENTION OF TRUANT CHILDREN

- A. An attendance officer, any school administrator, or designee of the school administrator who is employed by the school, or any peace officer may, except for children receiving an education by other means as allowed by law, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and within the school district that they are truant from and who is absent from school without lawful excuse and there is prior approval from the school district for temporary detention and custody pursuant to this division.
- B. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district, or to a community intervention center, as defined by State law.
- C. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant. (Ord. No. 748, 06/21/16)

§10-433 PENALTIES

- A. Each day the child remains out of school shall constitute a separate offense.

- B. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee and/or duly authorized attendance officer of the school.
- C. Any child convicted of violating the provisions of this division shall be punished as follows:
 - 1. For the first conviction, a fine and costs not to exceed \$50.00;
 - 2. For the second conviction, a fine and costs not to exceed \$100.00; and
 - 3. For a third or subsequent conviction, a fine and costs not to exceed \$150.00.
- D. Any parent, guardian, or other person having custody of a child who violates any of the provisions of this division shall:
 - 1. For the first conviction, be deemed guilty of a Class "a" offense. (Ord. No. 748, 06/21/16)

§10-434 VIOLATING OR NOT FOLLOWING AN EXECUTIVE ORDER OF THE GOVERNOR OF THE STATE OF OKLAHOMA PROHIBITED.

It is unlawful for any person to violate the provisions of or not follow any Executive Order of the Governor of the State of Oklahoma. Any person who violates the provisions of or does not follow any Executive Order of the Governor of the State of Oklahoma is guilty of an offense. The penalty for any person found guilty or who pleads guilty or no contest is in the General Penalty Section 1-108 of the Code of Ordinances of the City of Choctaw.

CHAPTER 5

OFFENSES AGAINST PERSONS

- § 10-501 Assault and battery prohibited.
§ 10-502 Lawful use of force.

§ 10-501 ASSAULT AND BATTERY PROHIBITED.

- A. It is unlawful to commit an assault or an assault and battery within the city.
- B. For the purposes of this section, an assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any willful and unlawful use of force or violence upon the person of another. (Ord. No. 147, 3/20/79)

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

§ 10-502 LAWFUL USE OF FORCE.

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

- A. 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;
- B. 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;
- C. 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;
- D. 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.
- E. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending

passenger, with a reasonable regard to his personal safety; and

- F. 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.

State Law Reference: Similar provisions, 21 O.S. § 268; 21 O.S. § 642; 21 O.S. § 837; 21 O.S. § 838; 21 O.S. § 21-1311; 21 O.S. § 21-1351; 21 O.S. § 1481; 22 O.S. §§ 34.1 to 34.2.

CHAPTER 6

OFFENSES AGAINST PUBLIC PROPERTY

§ 10-601	Resisting a police officer.
§ 10-602	Refusing or failing to assist an officer.
§ 10-603	Assault or battery upon police or other law officer.
§ 10-604	Rescuing prisoners.
§ 10-605	Escape of prisoners.
§ 10-606	Assisting escape of prisoners.
§ 10-607	Unlawful communication with prisoners.
§ 10-608	Impersonating an officer or employee.
§ 10-609	False alarms.
§ 10-610	False representation to an officer, false reports.
§ 10-611	Removal of barricades.
§ 10-612	Resisting public officials.
§ 10-613	Eluding police officer.

§ 10-601 RESISTING A POLICE OFFICER.

- A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.
- D. The words “obstruction of” shall, in addition to their common meaning, include:
 - 1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
 - 2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
 - 3. Refusal by the arrested party to give his name and make his identity known to the arresting officer. (Prior Code, Chapter 14, as amended)

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

- A. An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray, unlawful assembly or illegal act, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray, unlawful assembly or illegal act.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so. (Prior Code, Chapter 14, as amended)

§ 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.

It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties. (Prior Code, Chapter 14, as amended)

§ 10-604 RESCUING PRISONERS.

It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city. It is unlawful to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement. (Prior Code, Chapter 14, as amended)

§ 10-605 ESCAPE OF PRISONERS.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to break or attempt to break from any such jail, prison or custody, or to escape or attempt to escape there from. (Prior Code, Chapter 14, as amended)

§ 10-606 ASSISTING ESCAPE OF PRISONERS.

- A. It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city.
- B. It is unlawful for any person to convey into the city jail or other city prison any instrument or other thing useful to facilitate the escape of any prisoner therein, or to give any such instrument or thing to a prisoner in custody or in prison, whether such escape is effected or attempted or not. (Prior Code, Chapter 14, as amended)

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

§ 10-607 UNLAWFUL COMMUNICATION WITH PRISONERS.

It is unlawful for any person to loiter about the city jail or any other city prison with intent to communicate unlawfully with any prisoner confined therein, or to communicate or attempt to communicate unlawfully with any prisoner confined in such jail or prison or held in legal custody. (Prior Code, Chapter 14, as amended)

§ 10-608 IMPERSONATING AN OFFICER OR EMPLOYEE.

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so. (Prior Code, Chapter 14, as amended)

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

§ 10-609 FALSE ALARMS.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department, police department, emergency medical services, or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department, police department, emergency medical services, or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. (Prior Code, Chapter 14, as amended)

State Law Reference: False Alarms, 59 O.S. § 1800.12.

§ 10-610 FALSE REPRESENTATION TO AN OFFICER, FALSE REPORTS.

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; to commit perjury before any tribunal or officer of the city, or to make or file any false report with an office of the city. (Prior Code, Chapter 14, as amended)

State Law Reference: False Reports, 47 O.S. § 10-112; 59 O.S. § 15.26.

§ 10-611 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. (Prior Code, Chapter 14, as amended)

§ 10-612 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or willfully 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. Threaten or otherwise intimidate or attempt to intimidate any such 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. (Ord. No. 148, 3/20/79)

§ 10-613 ELUDING POLICE OFFICER.

It is unlawful for any 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 car, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer. (Ord. No. 152, 3/20/79)

CHAPTER 7

PENALTIES

§ 10-701 General penalties.

§ 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in § 1-108 of this code. (Prior Code, Chapter 14, as amended)