Chapter 16 - CRIMES, MISCELLANEOUS OFFENSES AND PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 16-1. - Attempted offenses.

(a) A person is guilty of an attempt to commit an offense against the ordinances of the city if, acting with the kind of culpability otherwise required for the commission of the offense, he shall purposely engage in conduct which would constitute the crime if the intended circumstances were as he believes them to be; or, when causing a particular result in an element of the crime, he does anything with the purpose of causing or with the belief that will cause such result, without further conduct on his part.

(b) The punishment for a violation of subsection (a) of this section shall be the same as for the offense attempted.

(Code 1966, § 14-2; Code 1982, § 16-1; Ord. No. 1552, § 2, 12-30-1974)

State Law reference—Attempts, 21 O.S. §§ 41—44.

Sec. 16-2. - Aiding in an offense.

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

(Code 1966, § 14-3; Code 1982, § 16-2)


Sec. 16-3. - Assault and battery.

(a) An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

(b) A battery is any willful and unlawful use of force or violence upon the person of another.

(c) It is unlawful to commit an assault or an assault and battery within the city.

(Code 1966, § 14-42; Code 1982, § 16-3)

State Law reference—Assault and battery, 21 O.S. §§ 641, 642, 644.

Sec. 16-4. - Throwing or shooting at persons or property.

It is unlawful for any person to throw or shoot any stone, shot, arrow 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 injury property, or to throw or shoot any stone, arrow, shot, 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.

(Code 1966, § 14-48; Code 1982, § 16-4; Ord. No. 2444, § 1, 10-12-1992)

Sec. 16-5. - Disturbing or injuring others, property or public peace.

No person shall willfully and wrongfully commit any act which grossly injures the person or property of another, or which grossly disturbs the public peace or which openly outrages public decency, and is injurious to public morals.

(Code 1982, § 16-5; Ord. No. 1796, § 1, 10-9-1978)

Sec. 16-6. - Electrified barbed wire fences.

It shall be unlawful for any person to build, construct, use or maintain any electric fence or barrier consisting or made of what is called "barbed wire" or of which "barbed wire" is a part, within the city limits along the line of, or upon or along any street, alley, public walk or drive, or through, along or around any public park, or in or along any land or lots or parks owned or controlled by the city.


Sec. 16-7. - False or altered driver's license.

(a) It shall be unlawful for any person to display or cause or permit to be displayed his driver's license after such license has been suspended, revoked or cancelled or to possess his license after having received notice of its suspension, revocation or cancellation.

(b) It shall be unlawful for any person to display or cause or permit to be displayed or to possess an operator's or chauffeur's license issued to him which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license number.

(c) It shall be unlawful for any person to lend or give his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another.

(d) It shall be unlawful for any person to display or represent as one's own any operator's or chauffeur's license not issued to him, for any purpose other than committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties.


State Law reference— Disqualification from driving, 47 O.S. §§ 6-205.1, 6-205.2.

Sec. 16-8. - Misrepresentation of age by false document.

(a) It shall be unlawful for any person, for the purpose of violating any ordinance of the city to willfully and knowingly misrepresented his age by presenting a false document purporting to state his true age.

(b) It shall be unlawful for any person, for the purpose of violating or aiding another to violate any ordinance of the city to lend or give any document to any other person or knowingly permit the use thereof by another for the purpose of misrepresenting the latter's age.

State Law reference— Misrepresenting age, 21 O.S. § 1518.

Sec. 16-9. - Violations.

Except as otherwise provided, a violation of any of the provisions of this chapter shall be a Class A offense.

(Code 1982, § 16-9)

Sec. 16-10. - Possession of drugs and drug paraphernalia.

It shall be unlawful for any person to knowingly or intentionally have in his possession any controlled dangerous substance or any drug paraphernalia punishable as a misdemeanor under the Uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq.


State Law reference— Controlled substances, 63 O.S. § 2-101 et seq.

Secs. 16-11—16-20. - Reserved.

ARTICLE II. - OFFENSES AGAINST MORALS

Sec. 16-21. - Betting on or playing prohibited game.

Any person who bets or plays at any games prohibited by state law for money, property, checks, credits or other representatives of value with cards, dice or any other device which may be adopted to or used in playing any game of chance or in which chance is a material element, shall be guilty of an offense.


Sec. 16-22. - Slot machines.

It is unlawful for any person to set up, operate, or conduct, or to permit to be set up, operated or conducted in or about his or their places of business, whether as owner, employee or agent, any slot machine for the purpose of having or allowing the same to be placed by others for money, property, checks, credits or any other representative of value within the city.


State Law reference— Slot machines, 21 O.S. § 944.

Sec. 16-23. - Obscene, threatening or harassing telephone calls.
(a) It shall be unlawful within the corporate limits of the city for any person, by means of a telephone or other electronic communication device, to willfully:

1. Misuse the emergency 911 line to report any emergency that is false, or to harass;
2. Makes a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;
3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;
4. Makes a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;
5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; or
6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called number.

(b) As used in this section, the terms "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The terms "telecommunication" and "electronic communication" include:

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and
2. A communication made to a pager.

(c) Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

(d) Except as provided in 21 O.S. § 1172 E, any person who is convicted of the provisions of subsection (a) of this section, shall be guilty of a misdemeanor.

(Code 1966, § 14-10; Code 1982, § 16-23; Ord. No. 1592, § 1, 10-6-1975)

State Law reference—Similar provisions, 21 O.S. § 1172.

Sec. 16-24. - Engaging in prostitution prohibited.

It shall be unlawful:

1. To engage in prostitution, lewdness, or assignation;
2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself;
3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation; or
(4) To aid, abet, or participate in the doing of any of the acts prohibited in subsections (1), (2) or (3) of this section.


State Law reference—Similar provisions, 21 O.S. § 1029.

Sec. 16-25. - Setting up or operating a place of prostitution.

It shall be unlawful:

(1) To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;

(2) To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;

(3) To offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act;

(4) To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent;

(5) To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation;

(6) To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution;

(7) To knowingly abet the crime of prostitution by allowing a house, place, building, or parking lot to be used or occupied by a person who is soliciting, inducing, enticing, or procuring another to commit an act of lewdness, assignation, or prostitution or who is engaging in prostitution, lewdness, or assignation on the premises of the house, place, building, or parking lot.

Nothing contained herein shall be interpreted nor enforced contrary to the provisions of 21 O.S. § 1028.


State Law reference—Similar provisions, 21 O.S. § 1028.

Sec. 16-26. - Peeping Tom.

It is unlawful for any person to hide, wait, or otherwise loiter in the vicinity of any private dwelling house, apartment building or any other place of residence or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look at the occupants therein in a clandestine manner within the city.
Sec. 16-41. - Petit larceny; defined, prohibited.

(a) Petit larceny is the taking of personal property of value not exceeding $500.00, accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another.

(b) Petit larceny is unlawful, and any person who commits petit larceny shall be guilty of an offense.

(c) Any person who conceals unpurchased personal property of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such personal property with the intention of depriving such establishment thereof. The term "mercantile establishment," as used in this subsection, means any place of business in, at or from which goods, wares and merchandise are displayed, held, sold, offered for sale or delivered from and sold at retail or wholesale.


Sec. 16-42. - Larceny or destruction of books.

(a) As used in this section:

(1) The term "library facility" means any:
   a. Public library;
   b. Library of an educational, historical or eleemosynary institution, organization, or society;
   c. Museum; or
   d. Repository of public or institutional records.

(2) The term "library material" means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, catalog cards or catalog records, electronic data processing records, computer software, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging or on loan to, or otherwise in the custody of a library facility.

(3) The term "demand" means either actual notice to the possessor of any library materials or the mailing of written notice to the possessor at the last address of record which the library facility has for said person, demanding the return of designated library materials. If demand is made by
mail it shall be deemed to have been given as of the date the notice is mailed by the library facility.

(b) Any person shall be guilty, upon conviction, of library theft who willfully:

(1) Removes or attempts to remove any library material from the premises of a library facility without authority;

(2) Mutilates, destroys, alters or otherwise damages, in whole or in part, any library materials; or

(3) Fails to return any library materials which have been lent to said person by the library facility, within seven days after demand has been made for the return of the library materials.

(c) A person convicted of library theft shall be guilty of a misdemeanor and shall be subject to the fine and restitution provisions of this subsection but shall not be subject to imprisonment. The punishment for conviction of library theft shall be:

(1) If the aggregate value of the library material is $500.00 or less, by fine not exceeding $1,000.00, or the offender shall make restitution to the library facility, including payment of all related expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution; or

(2) If the aggregate value of the library material is greater than $500.00, by fine not exceeding $10,000.00 or the offender shall make restitution to the library facility, including payment of all expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution.

(d) Copies of the provisions of this section shall be posted on the premises of each library facility.

(Code 1966, § 14-43.2; Code 1982, § 16-42; Ord. No. 1609, § 2, 12-29-1975)

State Law reference—Library material theft, 21 O.S. § 1739.

Sec. 16-43. - Aiding or counseling petit larceny.

Any person who willfully by any means whatever, either directly or indirectly, aids or counsels another person in committing the crime of petit larceny, as defined by section 16-41, shall be guilty of an offense.

(Code 1966, § 14-43.1; Code 1982, § 16-43; Ord. No. 1609, § 1, 12-29-1975)

Sec. 16-44. - Operation of machines by spurious coins prohibited.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin-operated machine as used herein, includes any parking meter, vending machine, service meter, coin box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America.

Spurious coin as used herein, includes any token, disk, blank, slug, washer, sweated, mutilated, false or counterfeited coin or other device, whether solid or otherwise used in substitution for lawful coin of the United States of America in the operation, use or enjoyment of any coin-operated machine.

(b) Whoever, by means of any spurious coin or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any coin-operated machine operated in furtherance of or connection with the sale, use or enjoyment of any service, facility or privilege, knowingly shall operate or cause to be operated, or shall attempt to operate any such coin-operated
machine or whoever shall take, obtain, accept or receive from or by means of any such coin-operated machine, any article of value or service or the use or enjoyment of any service, facility or privilege by use of any spurious coin shall be guilty of an offense.

(Code 1966, § 14-43.3; Code 1982, § 16-44; Ord. No. 1609, § 3, 12-29-1975)

**State Law reference**— Similar provisions, 21 O.S. §§ 1848, 1849.

Sec. 16-45. - Tampering with motor vehicles, joy-riding, etc.

It shall be unlawful within the city for any person to loiter in or upon any automobile or motor vehicle, or deface or injure such automobile or motor vehicle, or to molest, drive, or attempt to drive any automobile, for joy-riding or any other purpose, or to manipulate or meddle with any machinery or appliances thereof without the consent from the owner of such automobile or motor vehicle.


**State Law reference**— Similar provisions, 21 O.S. § 1787.

Sec. 16-46. - Destroying, injuring or molesting buildings and other property.

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

(Code 1966, § 14-46; Code 1982, § 16-46)

**State Law reference**— Malicious injury to property, 21 O.S. § 1760.

Sec. 16-47. - Placing signs, etc., 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, billboard, or other property of another, without the consent of the owner or person in charge thereof.

(Code 1966, § 14-47; Code 1982, § 16-47)

**State Law reference**— Graffiti, 11 O.S. § 22-112.2.

Sec. 16-48. - Tampering with, damaging, or larceny of public utilities or community antenna television system signals.

(a) It is unlawful for any person to connect or attach any kind of pipe, wire, or other contrivance to any pipe, line, wire, or other conductor carrying gas, water, or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, or electricity without its passing through the meter or in any other way so as to evade payment therefor. It is unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including telegraph and telephone systems.
(b) It is unlawful for any person to damage, molest, tamper with, or destroy, injure, or alter any distribution structure, transmission structure, line, equipment, facility, wire, meter, or other part of any community antenna television system located within the corporate limits of the city.

(c) Any person who, with intent to defraud, makes or causes to be made any instrument or contrivance and connects the same or causes the same to be connected with any line, wire, meter, distribution structure, transmission structure, equipment or facility laid or constructed for the purpose of conducting and transmitting community antenna television system signals, so as to conduct such community antenna television system signal to a point where the same may be consumed in any manner so as to evade payment therefor, is guilty of the crime of larceny of a community antenna television system signal in violation of this section.

(Code 1966, § 14-49; Code 1982, § 16-48; Ord. No. 1620, § 1, 2-16-1976)

State Law reference—Use of services with intent not to pay, 21 O.S. § 1871.

Sec. 16-49. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private property means any property other than public property;

Public property means that property which is dedicated to the public use and over which the federal, state, or municipal government, or any political subdivision thereof, exercises control and dominion, including school property;

Trespass shall mean any of the following:

(a) Each and every actual entry upon the public or private property without the express or the implied consent of the owner or other person responsible for the property or when there are "no trespassing" or similar signs prohibiting entry duly posted upon said property; or

(b) Remaining upon private property after having been told to leave the premises by the owner, or other person responsible for the property, or the police; or

(c) Remaining or otherwise being on private or public property at any time other than during posted hours of operation without authorization of the owner or other person responsible for the property; or

(d) Remaining or otherwise being on public property without a required permit.

(Ord. No. 3296, § 1, 4-20-2015)


Sec. 16-49.1. - Trespass forbidden.

No person shall trespass on private or public property.

(Ord. No. 3296, § 1, 4-20-2015)
Sec. 16-49.2. - Enforcement.

Notwithstanding subsections (a), (b) and (c) of section 16-49, whenever the owner or other responsible person in lawful possession of any private property is present and available, the owner or other person responsible for the property shall be required to sign a complaint and make a citizen's arrest for trespassing.

(Ord. No. 3296, § 1, 4-20-2015)

Sec. 16-49.3. - Defenses to trespassing.

It is a defense to prosecution for "trespassing" on private property that a person at the time of the violation:

(a) Has permission from the owner or person in lawful possession or control of the property, to be on the property contrary to posted notice of "no trespassing" and the business hours;

(b) Had lawful authority as a matter of law to be present, including but not limited to utility easement repair, land surveying, judicial order or license, or a governmental official in furtherance of official duties under federal or state statute or municipal ordinance; or

(c) An emergency or necessity reasonably requires that person's presence on the property in order to prevent a different and greater or more significant and immediate harm to that person or someone else.

(Ord. No. 3296, § 1, 4-20-2015)

Sec. 16-49.4. - Penalties for trespassing.

(a) Any person guilty of trespassing upon private, public, school, or other duly posted property shall upon conviction for the first offense, be guilty of a Class "B" offense.

(b) Any person guilty of a second and/or subsequent offense of trespassing upon private, public, school or other duly posted property after a prior conviction of trespassing on the same property shall upon conviction of the second and/or subsequent offense be guilty of a Class "C" offense.

(Ord. No. 3296, § 1, 4-20-2015)

Sec. 16-50. - Obtaining property by trick or deception.

(a) Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of less than $500.00, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretence, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.

(b) As used herein, the term "false or bogus checks" shall include checks or orders, including those converted to electronic fund transfer, which are not honored on account of insufficient funds of the maker to pay same, or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given in exchange for money or property or in exchange for any benefit or thing of value, as against the maker or drawer thereof or as a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof.
(c) The making, drawing, uttering 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; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five days from the date the same is presented for payment; and provided further, that said check or order is presented for payment within 30 days after same is delivered and accepted.

(d) As used herein, the term "credit" means an arrangement or understanding with the bank or depository or seller of goods or livestock for the payment of such check, draft or order.

(Code 1966, §§ 14-7, 14-8; Code 1982, § 16-50; Ord. No. 1552, § 6, 12-30-1974)

State Law reference— Obtaining property by fraud, 21 O.S. §§ 1541.1, 1541.4, 1541.5.

Sec. 16-51. - Defrauding hotels, apartments, restaurants, etc.

(a) Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boardinghouse, roominghouse, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is $500.00 or less, shall be guilty of an misdemeanor and upon conviction thereof shall be fined not exceeding $500.00, or be imprisoned in the city jail not exceeding three months, or punished by both such fine and imprisonment.

(b) Any person who shall obtain shelter, lodging or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $100.00.

(c) Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boardinghouse, roominghouse, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

(Code 1966, §§ 14-64, 14-65; Code 1982, § 16-5; Ord. No. 1335, §§ 1, 2, 3-30-1970)


Sec. 16-52. - Cutting down, injuring, removing or destroying trees; exceptions.

(a) Prohibited. Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove or destroy any live shrubs, or trees whether planted, self-seeded or growing for ornament, shelter, shade or profit in any forest, woods, woodland, avenue, yard, garden, orchard or plantation, or along any right-of-way or in or on any publicly-owned property, located within the corporate limits of the city, or remove or destroy any logs, which shrubs, trees or logs are valued at $200.00 or less, without permission of the owner or his representative, shall be guilty, upon conviction, of an offense in violation of this section.

(b) Exceptions.

(1) The necessary trimming and removal of said trees or logs to permit the construction, repair, maintenance, cleanup and operations of pipelines and utility lines and appurtenances of public
utilities, public service corporations, the city, and to aid registered land surveyors and professional engineers in the performance of their professional services, and pipeline companies, or lawful operators and product purchasers of oil and gas shall not be deemed a willful and intentional cutting down, injuring, removing or destroying of said trees or logs.

(2) The necessary trimming and removal of trees or logs for the construction, maintenance and repair of streets, roads and highways or for the control and regulation of traffic thereon by the state and the city or registered land surveyors and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of said trees or logs.

(3) The removal or trimming of street trees by the owner of property adjacent to the street right-of-way in which the street tree is located shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of said tree.

(Code 1982, § 16-52; Ord. No. 2103, § 1, 10-10-1983; Ord. No. 2427, §§ 1, 2, 4-20-1992)

State Law reference—Trespass by cutting, destroying, etc., timber, wood, etc., 21 O.S. § 1768.

Secs. 16-53—16-75. - Reserved.

ARTICLE IV. - OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 16-76. - Carrying weapons.

(a) It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any dagger, bowie knife, dirk knife, switch-blade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as provided by law. This section shall not prohibit:

(1) The proper use of guns and knives for hunting, fishing or recreational purposes;

(2) The carrying or use of weapons in a manner otherwise permitted by statute;

(3) The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;

(4) The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this subsection, the term "living history reenactment" means the depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

(b) Any person convicted of violating the provisions set forth in subsection (a) of this section shall be guilty of a misdemeanor punishable by a maximum fine not to exceed $500.00, provided that the maximum fine upon first conviction for violation of this section shall not exceed $250.00.

(Code 1966, § 14-32; Code 1982, § 16-76; Ord. No. 3202, § 1, 9-17-2012)

State Law reference—Carrying certain concealed weapons, 21 O.S. § 1272; Oklahoma Firearms Act of 21 O.S. §§ 1289.1—1289.17.
Sec. 16-77. - Exhibiting firearms and dangerous weapons.

(a) It is unlawful for any person in the presence of one or more other persons to exhibit any kind of firearm, bowie knife, dirk, dagger, sling shot, or any other dangerous weapon, in a careless, dangerous, or angry and threatening manner within the city.

(b) It shall be 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. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a maximum fine not to exceed $500.00, provided that the maximum fine upon first conviction for violation of this section shall not exceed $250.00.

(Code 1966, § 14-33; Code 1982, § 16-77; Ord. No. 3202, § 2, 9-17-2012)

State Law reference—Reckless conduct, 21 O.S. § 1289.11.

Sec. 16-78. - Discharging firearms, air rifles, and BB guns.

It is unlawful for any person to discharge a firearm in the city except when doing so in line of official duty, when lawfully doing so in defense of oneself, of another person, or of property, when doing so in a properly supervised rifle range or shooting match, or when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun in the city; provided that the provisions herein contained shall not apply on properties within the corporate limits of the city which are within a duly established A-Agricultural zoned district.

(Code 1966, § 14-34; Code 1982, § 16-78; Ord. No. 1602, § 1, 1-26-1976)

State Law reference—Authority to adopt, 21 O.S. § 1289.24.

Sec. 16-79. - Noises prohibited generally.

(a) Prohibited acts generally. It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(b) Prohibited acts specifically. The following acts, among others, are declared to be unreasonable or disturbing noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

1. Public loudspeakers. Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons wherein the sound emanating from such device is plainly audible inside a neighboring residential occupancy when the doors and windows are closed.

2. Yelling, shouting, etc. Yelling, shouting, whistling or otherwise creating unreasonable noise particularly between the hours of 10:00 p.m. and 8:00 a.m., or at any time or place so as to disturb the quiet, comfort, or repose of persons in any neighboring residential occupancy when the doors and windows are closed.

3. Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.,
except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city.

(4) \textit{Schools, courts, churches, hospitals, parks}. The creation of any unreasonable noise adjacent to any school, church or court while the same are in use, or adjacent to any hospital, medical clinic, or nursing home which unreasonably interferes with the workings of such institution, or which disturb patients in the hospital, or in any park, which unreasonably disturbs the users thereof. This subsection shall not apply to businesses located in areas zoned CS, CI, CC, CH, CG or any successor classification whenever any of the uses enumerated in this subsection moves or otherwise locates in an area zoned for commercial use.

(5) \textit{Power lawn mowers}. The operation of any gasoline or similar internal combustion engine powered mower, cultivator, blower, weedcutter or like or related device in an area zoned residential between the hours of 10:00 p.m. and 6:00 a.m.

(c) \textit{Exceptions}. The following uses and activities shall be exempt from these regulations:

(1) Noises of safety signals, warning devices, and emergency pressure relief valves.

(2) Noises resulting from any authorized emergency vehicle, when responding to an emergency.

(3) Noises resulting from emergency work.

(4) Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the city in accordance with this section.

(5) Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

(6) School sponsored activities conducted on school property.

(7) Church related activities conducted on church property.

(8) City sponsored or permitted parades and events.

(d) \textit{Definitions, scope}. For the purposes of this section, the term "plainly audible" means any sound that can be detected by a person using his unaided hearing faculties. The term "residential occupancy" includes single-family dwellings, multiple-family dwellings, boardinghouse rooms, hotel rooms or motel rooms.

(e) \textit{Application for special permit}. Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the city manager or duly authorized representative. Any permit granted by the city manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager or duly authorized representative may grant a relief as applied for if they find that:

(1) Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter; or

(2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and

(3) No other reasonable alternative is available to the applicant.

The city manager, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood. Any denial of an application under this section shall be appealable to the city council upon written application filed within ten days of the date notice of the city manager's decision is mailed to the applicant.
(f) **Penalty.** Any person violating any of the provisions of this section shall be deemed guilty of an infraction punishable as a Class B offense. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

(Code 1982, § 16-79; Ord. No. 2827, § 1, 8-9-2004)

Sec. 16-80. - Disturbing religious worship.

It is unlawful for any person to willfully disturb, interrupt or disquiet any congregation or assembly of persons meeting for religious worship by:

1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting.
2. Exhibiting, within one mile, any shows or plays without a license by the proper authority.
3. Engaging in, or aiding or promoting within the like distance, any racing of animals or gaming of any description.
4. Obstructing in any manner, without authority of law, within the like distance, the free passage along any highway to the place of such meeting.
5. 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.

(Code 1966, § 14-37; Code 1982, § 16-80)

**State Law reference**— Disturbing religious gathering, 21 O.S. §§ 915, 916.

Sec. 16-81. - Acts or omissions causing delinquency.

Any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any child to be delinquent, in need of supervision or dependent and neglected, within the preview of 10 O.S. § 1101(a), (b) or (c) shall be guilty of an offense.


**State Law reference**— Similar provisions, 10 O.S. § 1144.

Sec. 16-82. - Aggressive begging prohibited.

(a) For the purpose of this section the following words and phrases shall have the meanings given herein:

*Beg* means to stop or accost another or direct persons or animals to stop or accost another or direct persons or animals to stop or accost another, and to ask for money or other thing of value, either by words, bodily gestures, signs or other devices.

*Hinder or obstruct* means to walk, stand, sit or lie in such a manner as to block or attempt to block or restrict passage by another or to require a person approaching to take evasive action to avoid physical contact.
Public place is an area open to the general public, including but not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and buildings open to the general public, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Repeatedly means two or more times within a period of one hour.

(b) It shall be unlawful and a Class "C" offense for any person to aggressively beg as defined by this section. A person is guilty of aggressive begging if he or she:

(1) Repeatedly begs in a manner that hinders or obstructs the free passage of any person in a public place; or

(2) By physical action while in the act of begging, intentionally causes or attempts to cause another person to reasonably fear imminent force or violence upon his person or upon property in his immediate possession, or commission of any criminal act upon his person or upon property in his immediate possession.


Sec. 16-83. - Loud music prohibited.

The following acts are declared to be unreasonably loud or disturbing noises in violation of this section, to-wit:

(1) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such manner between the hours of 8:00 a.m. and 10:00 p.m. wherein the sound emanating from such device is plainly audible at a distance of 100 feet from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed.

(2) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such manner between the hours of 10:00 p.m. and 8:00 a.m. wherein the sound emanating from such device is plainly audible at a distance of 50 feet from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed.

(3) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo or other machine or device for the producing or reproducing of sound in such manner wherein the sound emanating from such device is plainly audible inside a school, church, hospital medical clinic, or nursing home during operating or business hours with the doors and windows closed. This subsection shall not apply to businesses located in areas zoned CS, CI, CC, CH, CG or any successor classification whenever any of the uses enumerated in this subsection moves or otherwise locates in an area zoned for commercial use.

(4) For the purposes of this section, the term "plainly audible" means any sound that can be detected by a person using his unaided hearing faculties. An enforcement officer need not determine the title of a song, specific words, or the artist performing the song; the detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. The term "residential occupancy" includes single-family dwellings, multiple-family dwellings, boardinghouse rooms, hotel rooms or motel rooms.

(5) The following uses and activities shall be exempt from these regulations:

a. School sponsored activities conducted on school property at times other than between the hours of 10:00 p.m. and 7:00 a.m.
b. Church related activities conducted on church property at times other than between the hours of 10:00 p.m. and 7:00 a.m.

c. City sponsored or permitted parades and events authorized pursuant to section 16-79.

d. Businesses located in areas zoned CS, CI, CC, CH, CG or any successor classification, provided that the sound is not plainly audible inside a residential occupancy located outside of the zoning district wherein the business is located, when the doors and windows of said residential occupancy are closed.

(6) Any person violating any of the provisions of this section shall be deemed guilty of a Class B offense. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense. Each device found to be emitting sound in violation of this section shall be deemed a separate violator and shall be punishable as a separate offense.

(Code 1982, § 16-83; Ord. No. 2828, § 1, 8-9-2004)

Sec. 16-84. - Use of archery equipment.

The use of archery equipment is forbidden within the city limits except as follows:

(a) For hunting in areas zoned agricultural, so long as no violation of section 16-4 occurs.

(b) For target practice, so long as no violation of section 16-4 occurs and under the following restrictions:

(1) Arrows must be discharged toward a target backed by an impenetrable, vertical backstop at least eight feet wide and six feet tall directly behind the target butt. Suitable backstops are limited to the outside wall of a shooter's residence or garage.

(2) Archery equipment must be used within a confined space. If the area is not fenced, the target area and side lanes must be conspicuously surrounded with rope or brightly colored tape placed three feet above the ground and placed in such a way as to exclude persons from walking into the path of the arrow.

(3) No arrow may have a tip other than a target point. Use of broad heads or other heads with cutting blades for target practice is prohibited.

(4) No child under the age of 14 years may engage in target practice unless supervised by an adult.

(c) For instruction, training, target practice and exhibition shooting in nonresidential areas only, under the supervision and sponsorship of a school, business, recreational association, trade association, governmental agency or archery association. In such instances, subsections (b)(2) and (b)(4) of this section shall apply. In addition, a backstop made of at least three-fourths-inch exterior grade plywood eight feet square must be erected 12 to 18 inches behind the target butt.

(Code 1982, § 16-84; Ord. No. 2445, § 1, 10-19-1992)

Sec. 16-85. - Laser pointers.

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


Secs. 16-86—16-100. - Reserved.

ARTICLE V. - OFFENSES AGAINST PUBLIC AUTHORITY

Sec. 16-101. - Refusing to aid officer.

Every person who, after having been lawfully commanded to aid any officer in arresting any person or in taking any person who has escaped from legal custody, or in executing any legal process, willfully neglects or refuses to aid such officer, is guilty of an offense.


State Law reference—Similar provisions, 21 O.S. § 537.

Sec. 16-102. - Resisting, opposing, etc., city officers or employees.

It is unlawful for any person knowingly or willfully to physically resist, oppose, or obstruct the chief of police, any other police officer, the municipal judge, or other officer or employee of the city in the discharge of his official duties; or to assault or beat any such officer or employee while such officer or employee is in the discharge of his official duties.

(Code 1966, § 14-54; Code 1982, § 16-102; Ord. No. 2297, § 1, 7-20-1987)


Sec. 16-103. - Escape of city prisoners; rescuing prisoners; assisting to escape; giving weapons, alcoholic beverages or narcotics prohibited.

(a) It is unlawful for any person, while a prisoner in the city jail, or any other place where prisoners are confined by the city or otherwise in custody of and confined by the city to escape or attempt to escape or to assist others to escape or attempt to escape from such custody or confinement.

(b) It is unlawful for any person, in any unlawful manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner or prisoners, from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape, or to give such prisoner any alcoholic beverage or narcotics, or to interfere with the city jail or to enter or attempt to enter it without consent of the officer in charge.

(Code 1966, § 14-55; Code 1982, § 16-103; Ord. No. 1604, § 1, 4-22-1976)

State Law reference—Escapes, 21 O.S. § 431 et seq.

Sec. 16-104. - Impersonating police.
No person, other than a city police officer, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office which is like or similar to, or a colored imitation of that worn or carried by the city police.


Sec. 16-105. - False representation to city officials.

It shall be unlawful for any person knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, document of, or official dealing or association with such officer or agency.


Sec. 16-106. - False reports of crime.

It shall be unlawful to willfully, knowingly and without probable cause make a false report to any person of any crime or circumstances indicating the possibility of crime having been committed, including the unlawful taking of personal property, which report causes or encourages the exercise of police action or investigation. Violation of this section is a Class A offense.


Sec. 16-107. - Deceiving witnesses prohibited.

It shall be unlawful within the city for any person to practice any fraud or deceit, or knowingly to make or exhibit any false statement, representation, token or writing, to any witness or person about to be called as a witness, upon any trial, proceeding, inquiry or investigation whatsoever, proceeding by authority of law, when such practice shall be with the intent to affect the testimony of such witness.


State Law reference— Deceiving witness, 21 O.S. § 452.

Sec. 16-108. - Certain acts against police dog or police horse prohibited.

(a) No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or political subdivision of the state.

(b) No person shall willfully interfere with the lawful performance of any police dog or police horse.

(c) Violation of this section shall be a Class A offense.

(Code 1982, § 16-108; Ord. No. 2463, § 1, 8-9-1993)
Sec. 16-109. - Hampering or interfering with city officers or employees.

(a) No person shall knowingly:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, emergency medical services provider, code enforcement official, or other authorized person engaged in his duties at the scene of a fire, accident, disaster, riot, crime, disturbance, emergency of any kind, or any other place where the official is discharging official duties.

(2) Fail to obey the lawful order of any law enforcement officer engaged in his duties at the scene of or in connection with a fire, accident, disaster, riot or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of his duties.

(c) Violation of this section is a Class A offense.


Secs. 16-110—16-130. - Reserved.

ARTICLE VI. - OFFENSES INVOLVING MINORS

DIVISION 1. - GENERALLY

Secs. 16-131—16-150. - Reserved.

DIVISION 2. - PREVENTION OF YOUTH ACCESS TO TOBACCO[1]

Footnotes:

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State Law reference— Prevention of youth access to tobacco, 37 O.S. § 600.1 et seq.

Sec. 16-151. - Title.

This division shall be known and cited as the "Prevention of Youth Access to Tobacco Act."


Sec. 16-152. - Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Person** means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

**Proof of age** means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

**Sample** means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

**Sampling** means the distribution of samples to members of the public in a public place.

**Tobacco product** means any product that contains tobacco and is intended for human consumption.

(Code 1982, § 16-152; Ord. No. 2604, § 1, 1-19-1998)

**State Law reference**— Definitions, 37 O.S. § 600.2.

Sec. 16-153. - Furnishing of tobacco products to minors.

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

(b) Proof of age. 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 [or recipient] may be under 18 years of age. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under 18 years of age, the failure to subsequently require proof of age shall not constitute a violation of this section.

(c) (1) When a person violates subsection (a) or (b) of this section, the municipal court shall impose a fine of:

a. Not more than $100.00 for the first offense;

b. Not more than $200.00 for the second offense within a two-year period following the first offense.

c. Not more than $300.00 for a third offense within a two-year period following the first offense.

d. Not more than $300.00 for a fourth or subsequent offense within a two-year period following the first offense.

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

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

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

(d) If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection (c) of this section. An owner of a store licensed to sell tobacco products shall not be deemed in violation of the provisions of the Prevention of Youth Access to Tobacco Act for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection (a) or (b) of this section, each individual franchise or business location shall be deemed a separate entity.


State Law reference— Furnishing tobacco to minors, 37 O.S. § 600.3.

Sec. 16-154. - Purchase, receipt or possession of tobacco products by minors.

(a) Prohibited; falsifying proof of age. It is unlawful for persons under 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 or fraudulent, for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performance of the employee's duties.

(b) Violation; fine. When a person violates subsection (a) of this section, the municipal court shall impose a fine:

(1) Not to exceed $100.00 for a first offense; and

(2) Not to exceed $200.00 for a second or subsequent offense within a one-year period following the first offense.


State Law reference— Purchase, etc. by minors, 37 O.S. § 600.4.

Sec. 16-155. - Distribution of tobacco product samples to minors.

(a) Prohibited. It shall be unlawful for any person to distribute tobacco product samples to any person under 18 years of age.

(b) Restricted from certain areas used primarily by minors. Notwithstanding subsection (a) of this section, no person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

(c) Penalties. When a person violates any provision of subsection (a) or (b) of this section, the municipal court shall impose a fine:
(1) Not more than $100.00 for the first offense;
(2) Not more than $200.00 for the second offense; and
(3) Not more than $300.00 for a third or subsequent offense.


State Law reference— Distribution to minors, 37 O.S. § 600.8.

Sec. 16-156. - Sale of tobacco products except in original, sealed packaging.

(a) Prohibited. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

(b) Penalty. When a person violates subsection (a) of this section, the municipal court shall impose a fine of not more than $200.00 for each offense.


State Law reference— Sale in packages, 37 O.S. § 600.8.

Sec. 16-157. - Information to be provided to ABLE commission.

The city shall furnish information requested by the state Alcoholic Beverage Law Enforcement Commission in the form, manner and time as may be determined by the ABLE commission which will allow the ABLE commission to comply with its statutory duties.


State Law reference— Information requested, 37 O.S. § 600.11a.

Secs. 16-158—16-164. - Reserved.

DIVISION 3. - TRUANCY

Footnotes:

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State Law reference— Truancy, 70 O.S. § 10-105.

Sec. 16-165. - Truancy prohibited; exceptions.

(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.
(b) It shall be unlawful for any child who is over the age of 12 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. Provided, that this section shall not apply:

(1) If any such child 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;

(2) If any such child 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;

(3) If any such child who has attained his 16th birthday is excused from attending school by written, joint agreement between:
   a. The school administrator of the school district where the child attends school; and
   b. 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; or

(4) If any such child 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. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

(c) It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a child in need of supervision petition against the child pursuant to the state juvenile code.

(d) Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

(1) For the first offense, a fine of not less than $25.00 nor more than $50.00, or imprisonment for not more than five days, or both such fine and imprisonment;

(2) For the second offense, a fine of not less than $50.00 nor more than $100.00, or imprisonment for not more than ten days, or both such fine and imprisonment; and

(3) For the third or subsequent offense, a fine of not less than $100.00 nor more than $250.00, or imprisonment for not more than 15 days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.
(e) 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 of the school district.

(f) The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.

(g) The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

1. Verifying attendance of the child with the school;
2. Attending meetings with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.

(h) Any offense committed in violation of this section shall be classified as a Class B offense.

(Code 1982, § 16-165; Ord. No. 2789, § 1, 8-4-2003)

State Law reference— Neglect or refusal to compel attendance, 70 O.S. § 10-105.

Secs. 16-166—16-169. - Reserved.

ARTICLE VII. - SMOKING

Footnotes:

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State Law reference— Smoking in certain public areas and indoor places of work, 21 O.S. § 1247.

Sec. 16-170. - Use of lighted tobacco in public prohibited.

(a) The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law. As used in this section, the term "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer.
The term "indoor workplace" includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

(b) Nonsmoking areas include:

(1) All buildings, owned or operated by the city shall be designated as entirely nonsmoking.

(2) No smoking shall be allowed within 25 feet of the entrance or exit of any building owned or operated by the city.

(c) The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars as defined in 63 O.S. § 1-1522. The terms "stand-alone bar," "stand-alone tavern," and "cigar bar" mean an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer, and no person under 21 years of age is admitted, except for members of a musical band employed or hired as provided in 37 O.S. § 537(b)(2), and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

(d) The restrictions provided in this section shall not apply to the following:

(1) The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

(2) Up to 25 percent of the guest rooms at a hotel or other lodging establishment;

(3) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

(4) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. The term "incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

(5) Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;

(6) Private offices occupied exclusively by one or more smokers;

(7) Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

(8) Medical research or treatment centers, if smoking is integral to the research or treatment;

(9) A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to sections 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

(10) Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant.

(e) An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such
a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within feet of any entrance, exit or air intake.

(f) If smoking is to be permitted in any space exempted in subsections (f) or (g) of this section or in a smoking room pursuant to subsection (h) of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within 15 feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

(g) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

(h) Responsibility for posting signs or decals shall be as follows:

(1) In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

(2) In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

(3) In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

(Code 1982, § 16-170; Ord. No. 2948, § 1, 6-12-2006)

Sec. 16-171. - Violation.

Any person who knowingly violates this act is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $10.00 nor more than $100.00.

(Code 1982, § 16-171; Ord. No. 2948, § 1, 6-12-2006)