

PART 10

OFFENSES AND CRIMES

CHAPTER 1

OFFENSES IN GENERAL

Section 10-101	Attempts to commit an offense.
Section 10-102	Aiding in an offense.
Section 10-103	Adoption of Oklahoma state law misdemeanors and other violations as offenses against the town.

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Theft and related offenses.
Section 10-202	Injuring automobiles and other vehicles.
Section 10-203	Destroying or injuring buildings and other property.
Section 10-204	Placing signs on property of another.
Section 10-205	Throwing or shooting at persons or property.
Section 10-206	Tampering with or damaging public utilities.
Section 10-207	Unlawful intrusion upon land.
Section 10-208	Illegal entrance.
Section 10-209	Throwing advertising on street, prohibited.
Section 10-210	Throwing injurious substances.
Section 10-211	Injury to plants and trees.
Section 10-212	Public streets and trees.
Section 10-213	Trespass and related offenses.
Section 10-214	Parking on property of another.
Section 10-215	Interference with fire hydrants.
Section 10-216	False representation of age.

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the peace, unlawful assembly.
Section 10-302	Insulting signs; literature or language.
Section 10-303	Fireworks regulated.
Section 10-304	Storing or keeping explosives.
Section 10-305	Carrying weapons; exceptions.
Section 10-306	Reckless conduct.
Section 10-307	Discharging firearms and other weapons; Exceptions.
Section 10-308	Loud noise or music prohibited; amplified sound.
Section 10-309	Nuisance.
Section 10-310	Violation of burn ban; Throwing fire hazards from a motor vehicle
Section 10-311	Aggressive Panhandling

Section 10-312	Peddlers And Solicitors
Section 10-313	Prohibiting the Use of Certain Mechanical Braking Devices

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public intoxication and drinking prohibited.
Section 10-402	Possession; transportation of intoxicating and non intoxicating beverages.
Section 10-403	Intoxicating liquors.
Section 10-404	Controlled Dangerous Substances prohibited.
Section 10-405	Prostitution.
Section 10-406	Disorderly house.
Section 10-407	Maintaining or leasing a disorderly house.
Section 10-408	Residents and visitors to disorderly house.
Section 10-409	Nudity; improper dress; indecent exposure.
Section 10-410	Definitions, obscenity regulations.
Section 10-411	Prohibited obscene conduct.
Section 10-412	Vagrancy defined for specific acts, offenses.
Section 10-413	Curfew for minors.
Section 10-414	Sleeping in public.
Section 10-415	Begging prohibited.
Section 10-416	Gambling prohibited.
Section 10-417	Being about place where gambling is going on.
Section 10-418	Harmful deception.
Section 10-419	False or bogus checks.
Section 10-420	Swindling unlawful.
Section 10-421	Unlawfully Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages.
Section 10-422	Window Peeping.
Section 10-423	Selling tobacco or alcohol to persons under the legal age requirement.

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501	Assault and battery prohibited.
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CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Refusing or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.

Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.
Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.
Section 10-611	Interference with Emergency Medical Technicians or Care Providers.
Section 10-612	Offenses against EMT's and other care providers.
Section 10-613	Firemen, interference with the performance of duties.
Section 10-614	Interfering with, or Preventing Firemen or Others from Extinguishing Fires.

CHAPTER 7

PENALTIES; DEFINITION

Section 10-701	General penalties, "Person" defined.
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CHAPTER 1

OFFENSES IN GENERAL

- Section 10-101 Attempts to commit an offense.
Section 10-102 Aiding in an offense.
Section 10-103 Adoption of Oklahoma state law misdemeanors and other violations as offenses against the town.

SECTION 10-101 **ATTEMPTS TO COMMIT AN OFFENSE.**

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

SECTION 10-102 **AIDING IN AN OFFENSE.**

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

SECTION 10-103 **ADOPTION OF OKLAHOMA STATE LAW MISDEMEANORS AND OTHER VIOLATIONS AS OFFENSES AGAINST THE TOWN.**

Any person, firm, partnership, company, LLC, corporation or any other entity committing an offense within the corporate limites of the town, or within the police jurisdiction thereof, which is declared by law or laws of the State of Oklahoma now existing or hereafter enacted to be a misdemeanor, or which is declared to be otherwise unlawful, shall be guilty of an offense against the town, and shall be punishable up and to the maximum extent allowed by State law at the time of the offense as same applies to fines, costs and term of imprisonment. The said state laws relating to misdemeanors and other unlawful acts are incorporated by reference as if fully set forth, and include the entire Oklahoma Constitution and the entire volume of the Statutes of the State of Oklahoma, including, without limitation, Titles 4, 5, 6, 8, 10, 11, 21, 27A, 29, 36, 37, 47, 50, 51, 61, 62, 63 and 82.

State Law References: 11 O.S. Section 14-107, allowing municipal governing bodies to enact compilations or codes of law or regulations by reference.

Other Legal References: McQuillin Mun Corp §16.12 (3rd Ed); State v. Roberts, 74 So2d 88 (Fla. 1954).

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Section 10-201	Theft and related offenses.
Section 10-202	Injuring automobiles and other vehicles.
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Section 10-205	Throwing or shooting at persons or property.
Section 10-206	Tampering with or damaging public utilities.
Section 10-207	Unlawful intrusion upon land.
Section 10-208	Illegal entrance.
Section 10-209	Throwing advertising on street, prohibited.
Section 10-210	Throwing injurious substances.
Section 10-211	Injury to plants and trees.
Section 10-212	Public streets and trees.
Section 10-213	Trespass and related offenses.
Section 10-214	Parking on property of another.
Section 10-215	Interference with fire hydrants.
Section 10-216	False representation of age.

SECTION 10-201

THEFT AND RELATED OFFENSES.

A. Petit Larceny: Petit larceny is the taking of personal property of a 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. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor. Any written evidence of debt, and written order or promise for the payment of money or delivery of goods, public security or passage ticket though the same has never been issued or delivered by the makers thereof to any person or purchaser, and any personal property are this subjects of larceny. Any fixture or part of realty, the instant it is severed from realty becomes a personal property and when the same is of the value of Five Hundred Dollars (\$500.00) or less, is the subject of larceny within the meaning of this section. One who finds lost property of the value of Five Hundred Dollars (\$500.00) or less, under circumstances which give him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made such effort to find the owner and restore the property to him as the circumstances render reasonable and just, is guilty of larceny.

B. Larceny By False Pretense: Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than Five Hundred Dollars (\$500.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, 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 the misdemeanor of Larceny By False Pretense.

C. Possession Of Stolen Property: It is unlawful for any person to buy, receive, or bring into the municipality any property which he knows has been stolen.

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706; Larceny of fixtures severed from realty, 21 O.S. Section 1712; Larceny of lost property 21 O.S. Section 1702. Obtaining or attempting to obtain property by trick or deception – False statements or pretenses – confidence game, 21 O.S. Section 1541.1

SECTION 10-202

INJURING AUTOMOBILES AND OTHER VEHICLES.

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

SECTION 10-203

DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.

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

SECTION 10-204

PLACING SIGNS ON PROPERTY OF ANOTHER.

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

SECTION 10-205

THROWING OR SHOOTING AT PERSONS OR PROPERTY.

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, 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.

SECTION 10-206

TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

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, sewer or electricity and belonging to a utility company (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water, sewer or electricity without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to

damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any utility company's property, including any telegraph or telephone system.

SECTION 10-207 **UNLAWFUL INTRUSION UPON LAND.**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town 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 town, any hut, shanty, hovel, or other structure without authority of law or ordinance.

SECTION 10-208 **ILLEGAL ENTRANCE.**

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice 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. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

Cross Reference: See also trespass, Section 10-213 of this code.

SECTION 10-209 **THROWING ADVERTISING ON STREET, PROHIBITED.**

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

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-204 of this code.

SECTION 10-210 **THROWING INJURIOUS SUBSTANCES.**

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

SECTION 10-211 **INJURY TO PLANTS AND TREES.**

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs, bushes or trees growing in or around any park or public street within the town, 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. Any person violating this section, upon conviction, shall be deemed guilty of an offense.

SECTION 10-212

PUBLIC STREETS AND TREES.

It is unlawful for any person to:

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

SECTION 10-213

TRESPASS AND RELATED OFFENSES.

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 mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer. Trespass shall also mean the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises.

B. It is unlawful and an offense for any person to commit a trespass within the town upon either public or private property.

C. Other Violations:

1. In addition to the acts specified in the definition of “Trespass” above, any of the following acts by any person shall be deemed a violation of this section:

- a. The doing of an injury or misfeasance to the person of another;
- b. The doing of any injury or misfeasance to the property of another when done with force or violence, either actual or implied;
- c. Each and every actual entry upon the premises of an owner or person in possession of real property, whether the property is public or private, without the owner’s or occupant’s consent, express or implied;
- d. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
- e. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
- f. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
- g. If on the property of another, or upon public property, a failure or refusal to depart in the case of being requested to so depart, orally or written, by any owner or lawful occupant;
- h. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
- i. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by an owner, lawful occupant, or by a police officer.
- j. Remaining on or entering public or private property in violation of any “Trespass Warning” given in writing by a city official, the operation of a Trespass Warning to be as follows:

TRESPASS WARNING

(1) A Trespass Warning may be issued by any police officer of the Town of Verdigris, for cause, when authorized by:

- (A) The owner, renter, leaser, or any other person having control of property.

- (B) The owner, manager or other person having control of any business, retail, industrial or commercial property or an authorized employee of the owner, manger or other person having control of any business, retail, industrial or commercial property.
- (C) The town manager, mayor, or any Verdigris Police Officer in regards to any property owned or controlled by the Town of Verdigris.

(2) The Trespass Warning shall list:

- (A) The name of the person being warned.
- (B) The date Trespass Warning was served to the person being warned.
- (C) The name and signature of the property owner or person with control of the property or designee and the date said person authorized the warning.
- (D) The signature of the issuing officer.
- (E) The description, name or address of the property for which the Trespass Warning is issued.

(3) When a Trespass Warning has been authorized and served, it shall be unlawful for any person who has received a Trespass Warning to return to or remain upon the property described in the Trespass Warning. Returning to or remaining upon the property shall be considered a Criminal Trespass contrary to the Ordinances of the Town of Verdigris. The mere presence of the warned person upon the property, however brief, constitutes a trespass.

(4) Trespass warnings shall be considered in force and effect for one year from the date of service, however: (i) a Trespass Warning can be removed prior to the one year expiration through written notification by the persons listed in 1.A through 1.C of this subsection to the Verdigris Police Department stating that they wish the Trespass Warning regarding their property to be removed. Warnings that are so removed shall be considered null and void, or; (ii) a Trespass Warning shall be considered null and void if the authorizing authority listed in 1.A through 1.C of this section sells, transfers or otherwise disposes of their property rights to the property listed on the trespass warning.

(5) In addition to the above and foregoing, a Trespass Warning may be issued when:

- (A) Reasonable suspicion exists that person being warned has committed a violation of any local, state or federal law while upon the property, whether or not an arrest was made or offense was prosecuted.
- (B) The person being warned was intoxicated or under the influence of drugs upon the property.
- (C) The person being warned was asked to leave the property by person(s) with authority over the property, but did not leave or returned after being asked to leave.

(D) The person being warned has threatened to harm the property or to cause harm while upon the property.

(E) The person being warned has damaged, vandalized, destroyed or tampered with the property or any item upon the property.

(F) The person being warned actually or attempted to peer or peek into windows or doorways of any building or structure while upon the property.

(G) There is reasonable suspicion to believe the person being warned committed an act of indecent exposure or prostitution upon the property.

(H) The person being warned undertook a course of conduct on the property that constituted a nuisance to the owner(s) or person(s) with control over the property.

(6) A person who has received a trespass warning may appeal the warning by filing a written intent to appeal with the Municipal Court Clerk within 10 days of the date of service. Such appeal shall be considered at the next scheduled court date and time. The trespass warning shall remain in full force and effect until the matter is heard by the Court. Failure of the appealing party to appear in court shall be grounds for the denial of the appeal. The appeal shall be limited to: (A) Whether or not one or more of the conditions in subsection 5 existed prior to the issuance of the Trespass Warning, or; (B) Whether or not the person authorizing the Trespass Warning is a person with lawful control of the property for the limited purpose of the authorization of the Trespass Warning.

(7) A Trespass warning may not be issued for the purpose of removing any person from their place of residence or from being upon property that is lawfully under their control.

Cross Reference: For provisions on illegal entrance, see Section 10-208 of this code.

SECTION 10-214

PARKING ON PROPERTY OF ANOTHER.

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

SECTION 10-215

INTERFERENCE WITH FIRE HYDRANTS.

A. It is unlawful for any person to open, turn on or off, alter, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant, flush hydrant, stop cock or any similar device, appurtenance or facility belonging to the town or any water district providing water service in the town, except for persons duly authorized by the town utility personnel, town police department or a member of a fire department responding to a fire or other emergency or training session, and except as may be authorized by a water district owning such fire hydrant, flush hydrant, stop cock or any similar device, appurtenance or facility.

B. It is unlawful for any person to obstruct access to any fire hydrant, flush hydrant, stop cock or any similar device, appurtenance or facility, by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant, flush hydrant, stop cock or any similar device, appurtenance of facility.

SECTION 10-216

FALSE REPRESENTATION OF AGE.

No person shall for the purpose of violating any statutes of this state or any ordinances of this town, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his or her own; and any person doing so shall be in violation of these ordinances and subject to penalty pursuant to Section 1-108.

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Section 10-309	Nuisance.
Section 10-310	Violation of burn ban; Throwing fire hazards from a motor vehicle

SECTION 10-301

DISTURBING THE PEACE, UNLAWFUL ASSEMBLY.

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.

B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
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 three (3) or more persons with intent or with means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law, and in such a manner as is adapted to disturb the public peace, or excite public alarm;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

8. Making unnecessarily loud, offensive noises;
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof;
10. Obstructing the free passage of pedestrians or vehicles on a street, right of way or sidewalk, or other public place.
11. Obstructing, molesting or interfering with any person lawfully in a public place.
12. The sounding of a horn or signal device on any vehicle, except as a danger signal.
13. The playing of any radio, phonograph or any musical instrument in any manner or in such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.
14. The use of an engine brake (a/k/a, "jake brake") during the hours between 9:00 p.m. and 7:00 a.m. on roadways in the town, except this shall not apply to interstates or United States highways running through the town.
15. The discharge of the exhaust of any internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, particularly during the hours between 9:00 p.m. and 7:00 a.m.
16. The use of any mechanical devices operated by compressed air, unless same is effectively muffled and reduced, particularly during the hours between 9:00 p.m. and 7:00 a.m.
17. The allowing of habitual howling, yelping, barking or other annoyance by the owner, keeper or possessor of any dog or animal.
18. Committing any other act in such a manner calculated as to unreasonably disturb, interfere with or alarm the public or the comfort and repose of any person.

C. Enforcement: Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in subsection B of this section, said police officer may, if he or she deems it necessary for the preservation of the public peace and safety, order that the person leave that place; and anyone who shall refuse to leave after being ordered to do so, or who should leave after doing so and return, shall be guilty of a violation of this section.

SECTION 10-302

INSULTING SIGNS; LITERATURE OR LANGUAGE.

A. It is unlawful for any person, firm or corporation within the town to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, 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.

SECTION 10-303

FIREWORKS REGULATED.

A. For the purpose of this section, "fireworks" shall have the meaning prescribed by state law, Section 1622 of Title 68 of the Oklahoma Statutes, as same may be replaced, renumbered or amended from time to time.

B. It is unlawful to sell, display or offer to sell, fireworks within the town, unless a valid permit allowing same is obtained from the town.

C. Except for the days of July 3, July 4, July 5, December 31, January 1 and January 2 of each year, and except as provided in Subsection D. below, it is unlawful to shoot, set off or discharge fireworks within the town. Provided further, however, the Mayor may issue an executive order adding 2 additional days for the Fourth of July holiday, and 2 additional days for the New Years holiday, should the Mayor, in his or her sole judgment, deem such extension reasonable, and such executive order shall be posted at the Town Hall at least 24 hours before such extension becomes effective.

D. The provisions of this section shall not be construed to prohibit the presentation of public displays of fireworks by responsible persons or organizations who have first obtained permission from the town board or its designee for the presentation of such displays, and upon the obtaining of a permit.

E. All persons who have shot, set off or discharged fireworks shall clean up any and all corresponding trash and debris within 48 hours of having shot, set off or discharged any fireworks, and failure to do so shall be a violation of this section.

State Law Reference: Bottle Rockets prohibited by state law, 68 O.S. Section 1624;
State governing of fireworks, 68 O.S. Sections 1621 et seq.

SECTION 10-304

STORING OR KEEPING EXPLOSIVES.

It is unlawful for any person to store or keep within the town any nitroglycerin, dynamite, gunpowder, blasting agent or explosive of any kind without having first complied with the laws of the state for the purpose of selling, storing or keeping such items.

State Law Reference: Explosive, blasting agent and person defined, 63 O.S. Section 121.1; Oklahoma Explosives and Blasting Regulation Act, 63 O.S. Sections 122.1 et seq.

SECTION 10-305

CARRYING WEAPONS; EXCEPTIONS.

A. It shall be unlawful for any person to carry upon or about his or her person, or in a 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, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;
2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;
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. As otherwise provided by Title 21 O.S. § 1272, or other state law, as said laws may be amended, changed or replaced from time to time.

B. Any person convicted of violating the foregoing provision shall be guilty of a violation of the section.

State Law Reference: Unlawful Carry, 21 O.S. Section 1272; also see State Firearms Act, 21 O.S. Sections 1289.1 et seq., and; Oklahoma Self Defense Act, 21 O.S. Section 1290.1 et seq.

SECTION 10-306

RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle, revolver 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 or dangerous disregard for the safety of another person.

SECTION 10-307

**DISCHARGING FIREARMS AND OTHER WEAPONS;
EXCEPTIONS.**

It is unlawful and a violation of this section for any person to discharge any species of firearm (the term firearms in this sentence specifically excluding airguns) on property contained within a subdivision or on tracts of less than 5 acres in the town, except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property. With respect to unplatted property of 5 acres or more, every person who willfully discharges any pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a violation of this section. It shall not be unlawful to discharge “blank” or “non-projectile” ammunition where conditions are safe to do so for sporting events, practice for sporting events, mounted shooting displays, plays or exhibitions; provided, the discharge of such “blank” or “non-projectile” ammunition shall not occur during the hours from 10:00 p.m. thru 7:00 a.m. without first obtaining a permit from the town.

State Law Reference: 21 O.S. § 1364, Discharging firearm.

Cross Reference: See also Section 10-205 for provisions on throwing or shooting at persons or property.

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

In addition to Section 10-301, it is unlawful for any person to disturb the peace and quietude of any part of the town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

SECTION 10-309 NUISANCE CONDITIONS.

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

SECTION 10-310 VIOLATION OF BURN BAN; THROWING FIRE HAZARDS FROM A MOTOR VEHICLE.

When the Governor of the State of Oklahoma, the Board of County Commissioners of Rogers County, or other authority as allowed by Oklahoma law, issues a burn ban that includes all or part of the municipal limits of the town, it shall be unlawful and a violation of this Section to burn in any manner contrary to any such burn ban.

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public intoxication and drinking prohibited.
Section 10-402	Possession; transportation of intoxicating and non intoxicating beverages.
Section 10-403	Intoxicating liquors.
Section 10-404	Controlled Dangerous Substance prohibited.
Section 10-405	Prostitution.
Section 10-406	Disorderly house.
Section 10-407	Maintaining or leasing a disorderly house.
Section 10-408	Residents and visitors to disorderly house.
Section 10-409	Nudity; improper dress; indecent exposure.
Section 10-410	Definitions, obscenity regulations.
Section 10-411	Prohibited obscene conduct.
Section 10-412	Vagrancy defined for specific acts, offenses.
Section 10-413	Curfew for minors.
Section 10-414	Sleeping in public.
Section 10-415	Begging prohibited.
Section 10-416	Gambling prohibited.
Section 10-417	Being about place where gambling is going on.
Section 10-418	Harmful deception.
Section 10-419	False or bogus checks.
Section 10-420	Swindling unlawful.
Section 10-421	Unlawfully Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages.
Section 10-422	Window Peeping.
Section 10-423	Selling tobacco or alcohol to persons under the legal age requirement.

SECTION 10-401 **PUBLIC INTOXICATION AND DRINKING PROHIBITED.**

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the town in a state of intoxication.

B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non intoxicating, spirituous, vinous or malt liquors, or of any narcotic or other drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

SECTION 10-402 **POSSESSION; TRANSPORTATION OF INTOXICATING AND NON INTOXICATING BEVERAGES.**

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or non intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage, except for minor quantities (under one ounce) for religious purposes.

C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or non intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

D. For the purpose of this section "intoxicating beverage" and "non intoxicating beverage" shall be as defined in Title 37 O.S. Section 163.1 of the Oklahoma Statutes, as the same may be replaced, renumbered or amended from time to time.

SECTION 10-403 **INTOXICATING LIQUORS.**

It is unlawful:

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

SECTION 10-404 **CONTROLLED DANGEROUS SUBSTANCES PROHIBITED.**

A. It is unlawful for any person knowingly to:

1. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess any controlled dangerous substance;
2. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or
3. Appear or be upon or in any street, alley, place of business or other public place in the town while under the influence of any dangerous substance.

B. For the purpose of this section, "controlled dangerous substance" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes. "Drug paraphernalia" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes, including the factors to determine in Section 2-101.1 of Title 63.

C. This section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice.

SECTION 10-405 **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; or
6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.

B. For the purposes of this section:

1. Prostitution is the giving of the body for sexual intercourse, filatio, cunnilingus, or sodomy for hire or money;
2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-406 **DISORDERLY HOUSE.**

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages or non intoxicating beverages;
3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or town ordinance prohibiting gambling.

SECTION 10-407

MAINTAINING OR LEASING A DISORDERLY HOUSE.

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

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

SECTION 10-408

RESIDENTS AND VISITORS TO DISORDERLY HOUSE.

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians, emergency medical technicians ("EMT's"), firemen town police officers or other law enforcement personnel in the discharge of their professional or official duties.

SECTION 10-409

NUDITY; IMPROPER DRESS; INDECENT EXPOSURE.

It is unlawful for any person to:

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

SECTION 10-410

DEFINITIONS; OBSCENITY REGULATIONS.

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 of 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 hosting, 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.

SECTION 10-411

PROHIBITED OBSCENE CONDUCT.

A. It is unlawful for any person to:

1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or
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; or
3. Knowingly engage or participate in any obscene performance made available to the public; or
4. Provide service to patrons in such a manner as to expose to public view:
 - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - c. Any portion of the female breast at or below the areola thereof; or
 - d. Knowingly promote the commission of any of the above listed unlawful acts.

B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theatre so long as that person is not acting as director or manager of the theatre.

SECTION 10-412

VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES.

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

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;

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

SECTION 10-413

CURFEW FOR MINORS.

A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" is any person under the age of (18) eighteen years;
2. "Parent" is the natural or adoptive parent of a minor;
3. "Guardian" is any person other than a parent who has legal guardianship of a minor;
4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parent to a minor; and
5. Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

B. It is unlawful for any minor under age 16 during and between the hours of 10:00 p.m. and 5:00 a.m., and it is unlawful for any minor ages 16 to 18 during and between the hours of 12:00 a.m. and 5:00 a.m., to walk, wander, ride a bicycle, skateboard, play or otherwise remain in person in any public place, or to be about in a public place in a motorized vehicle, motorcycle, moped or any other motorized device without a destination, unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person

having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or
3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession, occupation, school, sports league, governmentally sponsored or religious activity.

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the town between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;
2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or
3. The parent, guardian or other adult person herein has made a missing person notification to the town police department or other law enforcement agency with jurisdiction.

E. The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out between the hours set for curfew in Subsection B above. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section.

SECTION 10-414

SLEEPING IN PUBLIC.

A. It is unlawful for any person, between the hours of 12:00 a.m. midnight and 5:00 a.m., 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.

B. It is unlawful for a person to loiter on or about the premises of any public or private school or other public building, or in or about a depot of a public carrier.

SECTION 10-415

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.

SECTION 10-416

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 any party playing;
3. To gamble knowingly in any other manner; or
4. To knowingly permit his or its premises, house, 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 town 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.

State Law Reference: Authority to prohibit gambling, 11 O.S. Section 22-108.

SECTION 10-417

BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

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

SECTION 10-418

HARMFUL DECEPTION.

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

SECTION 10-419

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 Five Hundred Dollars (\$500.00) 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.

SECTION 10-420

SWINDLING UNLAWFUL.

It is unlawful to get money or property from any other person or persons or businesses under false pretences, deception, cheating or by any other fraudulent act.

SECTION 10-421

**UNLAWFULLY PERMITTING OR ALLOWING
GATHERINGS WHERE MINORS ARE CONSUMING
ALCOHOLIC BEVERAGES.**

A. *Definitions.* For purposes of this Section 10-421, the following definitions shall apply:

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

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

"Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

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

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

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

"Minor" means any person under twenty-one years of age.

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

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

"Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to:

- (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);
- (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
- (3) the cost of repairing any town equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
- (4) any other allowable costs related to the enforcement of this Section.

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

- (1) consume at any public place or any place open to the public any alcoholic beverage; or
- (2) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage where the minor is being supervised by his or her parent or legal guardian and such consumption is not otherwise in violation of this Section, and in particular subsection C below.

C. *Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.*

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

(b) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person

taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (1)(a) of this Section.

- (2) This subsection shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
- (3) Nothing in this subsection should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.
- (4) Nothing in this subsection should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

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

E. *Penalty.* Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the town and upon conviction thereof shall be punished with fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties, as set forth in these Ordinances and as provided by state law.

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

G. *Supplemental ordinance; Local Authority.* This Section 10-421 is meant to supplement this code of ordinances, and is adopted in addition to all other ordinances set forth herein. This Section 10-421 shall not apply where prohibited or preempted by state or federal law.

SECTION 10-422

WINDOW PEEPING.

No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, 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 upon any person in a clandestine manner.

SECTION 10-423

**SELLING TOBACCO OR ALCOHOL TO PERSONS
UNDER THE LEGAL AGE REQUIREMENT.**

It is unlawful and an offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars, tobacco or alcohol in any form to a person under the legal age requirement as determined by state law.

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and battery prohibited.

SECTION 10-501 **ASSAULT AND BATTERY PROHIBITED.**

- A. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

- B. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

- C. It is unlawful to commit an assault, a battery, or an assault and battery within the jurisdiction of the town. Any person committing an assault, a battery, or an assault and battery within the jurisdiction of the town, shall be guilty of an offense.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Refusing or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.
Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.
Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.
Section 10-611	Interference with Emergency Medical Technicians or Care Providers.
Section 10-612	Offenses against EMT's and other care providers.
Section 10-613	Firemen, interference with the performance of duties.
Section 10-614	Interfering with, or Preventing Firemen or Others from Extinguishing Fires.

SECTION 10-601

RESISTING AN OFFICER.

A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duty authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.

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.

SECTION 10-602

REFUSING OR FAILING TO ASSIST AN OFFICER.

A. An officer of the town 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 town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so.

SECTION 10-603

ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.

It is unlawful for any person 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.

SECTION 10-604

RESCUING PRISONERS

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

SECTION 10-605

ESCAPE OF PRISONERS.

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

SECTION 10-606

IMPERSONATING AN OFFICER OR EMPLOYEE.

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

SECTION 10-607

FALSE ALARMS.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive a fire department, emergency management department, civil defense department, emergency response department, police department, sheriff's department, any other entity, agency or department with jurisdiction, or any officer or employee thereof, with reference to any fire alarm or reported fire, accident or other emergency, or knowingly to cause

any of the above listed departments or any other agency or department with jurisdiction, or officer or employee thereof, to make a useless run.

SECTION 10-608 **FALSE REPRESENTATION TO AN OFFICER.**

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

SECTION 10-609 **REMOVAL OF BARRICADES.**

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

SECTION 10-610 **RESISTING PUBLIC OFFICIALS.**

It is unlawful for any person knowingly or willfully to:

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

SECTION 10-611 **INTERFERENCE WITH EMERGENCY MEDICAL TECHNICIANS OR CARE PROVIDERS.**

Every person who willfully delays, obstructs or in any way interferes with an emergency medical technician or other emergency medical care provider in the performance of or attempt to perform emergency medical care and treatment or in going to or returning from the scene of a medical emergency, upon conviction, is guilty of an offense against the town and a violation of this code.

State Law Reference: 21 O.S. Section 650.3

SECTION 10-612 **OFFENSES AGAINST EMT'S AND OTHER CARE PROVIDERS**

Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of an emergency medical care provider who is performing medical care duties, upon conviction, is guilty of an offense against the town and a violation of this code. As used in this section, "emergency medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, emergency management personnel and members of a hospital security force.

State Law Reference: 21 O.S. Section 650.4

SECTION 10-613 **FIREMEN, INTERFERENCE WITH THE PERFORMANCE AND DUTIES.**

Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, is guilty of an offense against the town and a violation of this code.

State Law Reference: 21 O.S. Section 1217

SECTION 10-614 **INTERFERING WITH, OR PREVENTING FIREMEN OR OTHERS FROM EXTINGUISHING FIRES.**

Every person who, at any burning of a building, is guilty of any disobedience to lawful orders of any public officer or fireman, or of any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the same, or of any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

State Law Reference: 21 O.S. 1198

CHAPTER 7

PENALTIES; DEFINITION

Section 10-701 General penalties, "Person" defined.

SECTION 10-701 GENERAL PENALTIES; "PERSON" DEFINED.

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code. The term "person" as used in this chapter shall include, but not be limited to, any human being, firm, partnership, company, LLC, corporation or any other entity or organization.