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CHAPTER I

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense.
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SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the 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.



CHAPTER 2

OFFENSES AGAINST PROPERTY

- Section 10-201 Petit larceny prohibited.
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- Section 10-205 Placing signs on property of another.
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- Section 10-215 Parking on property of another.
- Section 10-216 Interference with fire hydrants.

SECTION 10-201 PETIT LARCENY PROHIBITED.

A. Petit larceny is the taking of personal property of value not exceeding Fifty Dollars (\$50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

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

SECTION 10-202 RECEIVING STOLEN PROPERTY.

A. It is unlawful to buy, receive in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretenses or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense or robbery, or to conceal, withhold, or aid in concealing or withholding such property from the owner.

B. Any person who, without making reasonable inquiry, buys, receives, conceals, withholds or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it, shall be presumed to have bought or received such property knowing it to have been stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

State Law Reference: Similar provisions, 21 O.S. Section 1713.

SECTION 10-203 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 10-204 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 10-205 PLACING SIGNS ON PROPERTY OF ANOTHER.

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

SECTION 10-206 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 10-207 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 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 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 public utility, including any telegraph or telephone system.

SECTION 10-208 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 10-209 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 10-214 of this code.

SECTION 10-210 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 10-205 of this code.

SECTION 10-211 THROWING INJURIOUS SUBSTANCES.

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

SECTION 10-212 INJURY TO PLANTS AND TREES.

It is unlawful for any person to wilfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the town, or wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground, any person violating this section, upon conviction, shall be deemed guilty of an offense.

SECTION 10-213 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

1. Wilfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the 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

5. 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 street superintendent or town engineer.

SECTION 10-214 TRESPASS PROHIBITED.

A. For the purpose of this section, the following terms shall be defined as follows:

1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;

2. "Private property" means any property other than public property; and

3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. 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. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

B. It is unlawful for any person to trespass on private property.

Cross Reference: For provisions on illegal entrance, see Section 10-209 of this code.

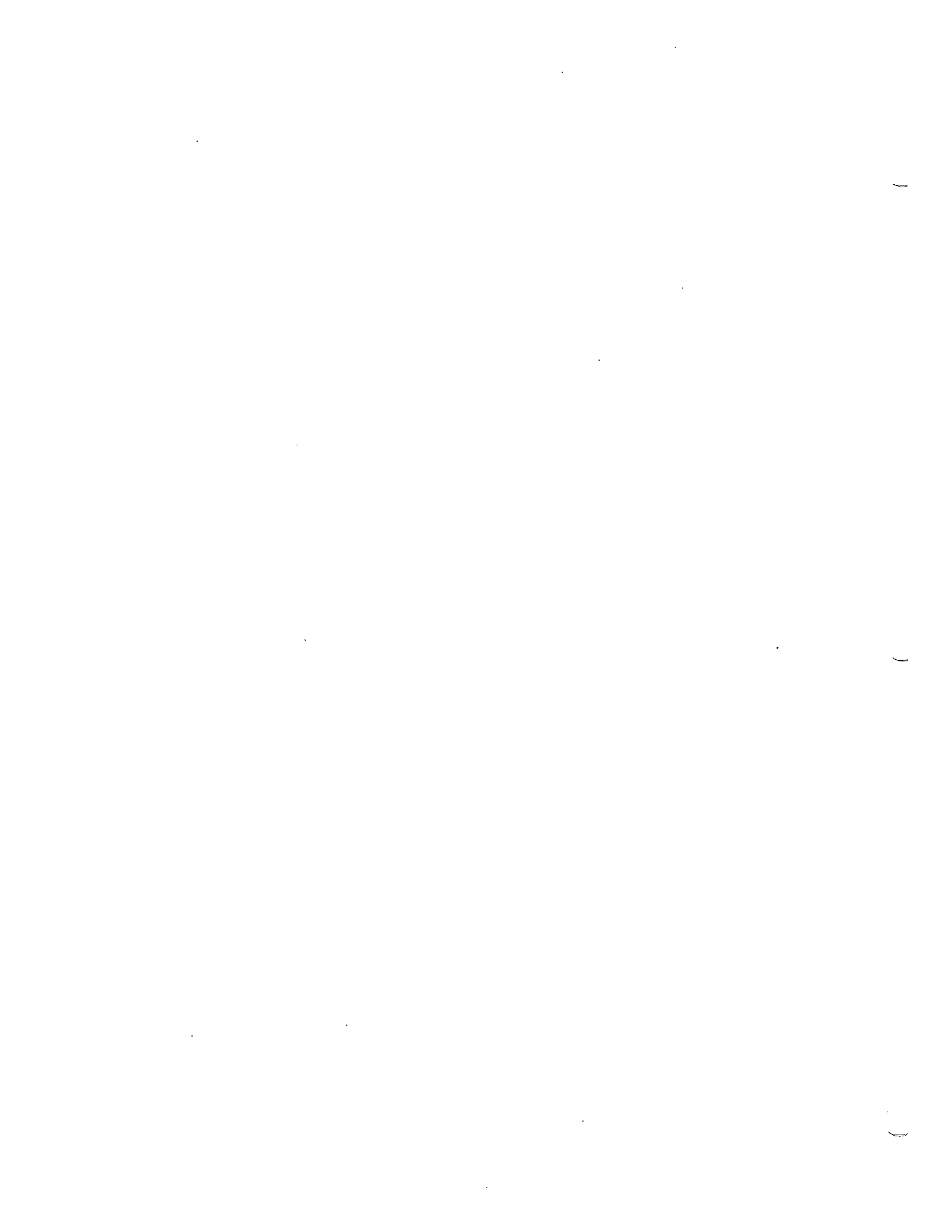
SECTION 10-215 PARKING ON PROPERTY OF ANOTHER.

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 10-216 INTERFERENCE WITH FIRE HYDRANTS.

A. It is unlawful for any person except one duly authorized by the town utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the town.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.



CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the peace.
Section 10-302	Insulting signs; literature or language.
Section 10-303	Literature or language ridiculing religion.
Section 10-304	Fireworks regulated.
Section 10-305	Storing or keeping explosives.
Section 10-306	Carrying weapons; exceptions.
Section 10-307	Reckless conduct.
Section 10-308	Discharging firearms; exceptions.
Section 10-309	Loud noise or music prohibited; amplified sound.

SECTION 10-301 DISTURBING THE PEACE.

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in 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 two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
8. Making unnecessarily loud, offensive noises;
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

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 wilfully 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 LITERATURE OR LANGUAGE RIDICULING RELIGION.

It is unlawful for any person to utter, publish, distribute or circulate any literature or language within the corporate limits of the town that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault.

SECTION 10-304 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.

B. The purchase, sale, use, discharge or possession of fireworks within the corporate limits of the town is hereby prohibited.

State Law Reference: Bottlerockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Sections 1621 et seq.

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

Note: Please review.

SECTION 10-305 STORING OR KEEPING EXPLOSIVES.

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

SECTION 10-306 CARRYING WEAPONS; EXCEPTIONS.

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switch-blade knife, spring-type knife, metal knuckle, or any other dangerous or deadly weapon or instrument except when doing so in line of duty or as may be permitted by law.

State Law Reference: State Firearms Act, 21 O.S. Sections 1289.1 et seq.

SECTION 10-307 RECKLESS CONDUCT.

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

SECTION 10-308 DISCHARGING FIREARMS; EXCEPTIONS.

No person shall discharge any species of firearm, 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, or when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun in the town.

Cross Reference: See also Section 10-206 for provisions on throwing or shooting at persons or property.

SECTION 10-309 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

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.



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 nonintoxicating beverages.
Section 10-403	Intoxicating liquors.
Section 10-404	Marijuana prohibited.
Section 10-405	Prostitution.
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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 children.
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 10-401 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. It is unlawful for any person to drink intoxicating or nonintoxicating liquor or beverage, as defined by Section 163.1 of Title 37 of the Oklahoma Statutes, upon or in any street, alley, or other public place within the town. It is unlawful to use, sell or furnish to another any illegal drug or narcotic in any place in the town except as legally prescribed by a physician.

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, nonintoxicating, spirituous, vinous or malt liquors, or of any narcotic or 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 NONINTOXICATING BEVERAGES.

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or nonintoxicating 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.

C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or nonintoxicating 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 fire 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 "nonintoxicating beverage" shall be as defined in Section 3-101 et seq. of this code.

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 nonintoxicating liquor or beverage of any kind except as permitted by law;

2. To have in possession or under control any intoxicating or nonintoxicating 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 nonintoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or nonintoxicating 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 nonintoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-404 MARIJUANA PROHIBITED.

It is unlawful for any person knowingly to:

1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;

2. Use, have, inject, injest, inhale, otherwise introduce into the human body or possess marijuana;

3. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or

4. Appear or be upon or in any street, alley, place of business or other public place in the town while under the influence of a controlled dangerous substance or marijuana;

B. For the purpose of this section, "marijuana" 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.

Refer to 100 Ord.

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 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 including beer containing more than one-half of one percent (.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or 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 or officers 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 the chapter shall have the meaning respectively ascribed to them in this section:

1. "Obscene" means that to the average person applying contemporary community standards:
 - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. shameful or morbid interest in sexual conduct, nudity, or excretion;
 - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and,
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial

representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;

3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;

4. "Disseminate" means to transfer possession of, with or without consideration;

5. "Knowingly" means being aware of the character and the content of the material;

6. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;

7. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;

8. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;

9. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and

10. "Promote" means to cause, permit, procure, counsel or assist.

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 CHILDREN.

A. Title. This section shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places."

B. Definitions. For the purpose of the curfew ordinance, the following terms, phrases, words and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section:

1. "Town" is the Town of Cashion, Oklahoma.
2. "Minor" is any person under the age of eighteen (18).
3. "Parent" is any person having legal custody of a minor:
 - (a) as a natural or adoptive parent;
 - (b) as a legal guardian;
 - (c) as a person who stands in loco parentis; or
 - (d) as a person to whom legal custody has been given by order of the court.



4. "Public place" shall mean 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.

5. "Remain" means to stay behind, to tarry, and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

6. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

7. "Time of night" referred to here is based upon the prevailing standard of time, whether Central standard time or Central daylight saving time, generally observed at that hour by the public.

8. "Year of age" continues from one birthday, such as the seventeenth (17th), to (but not including the day of) the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age."

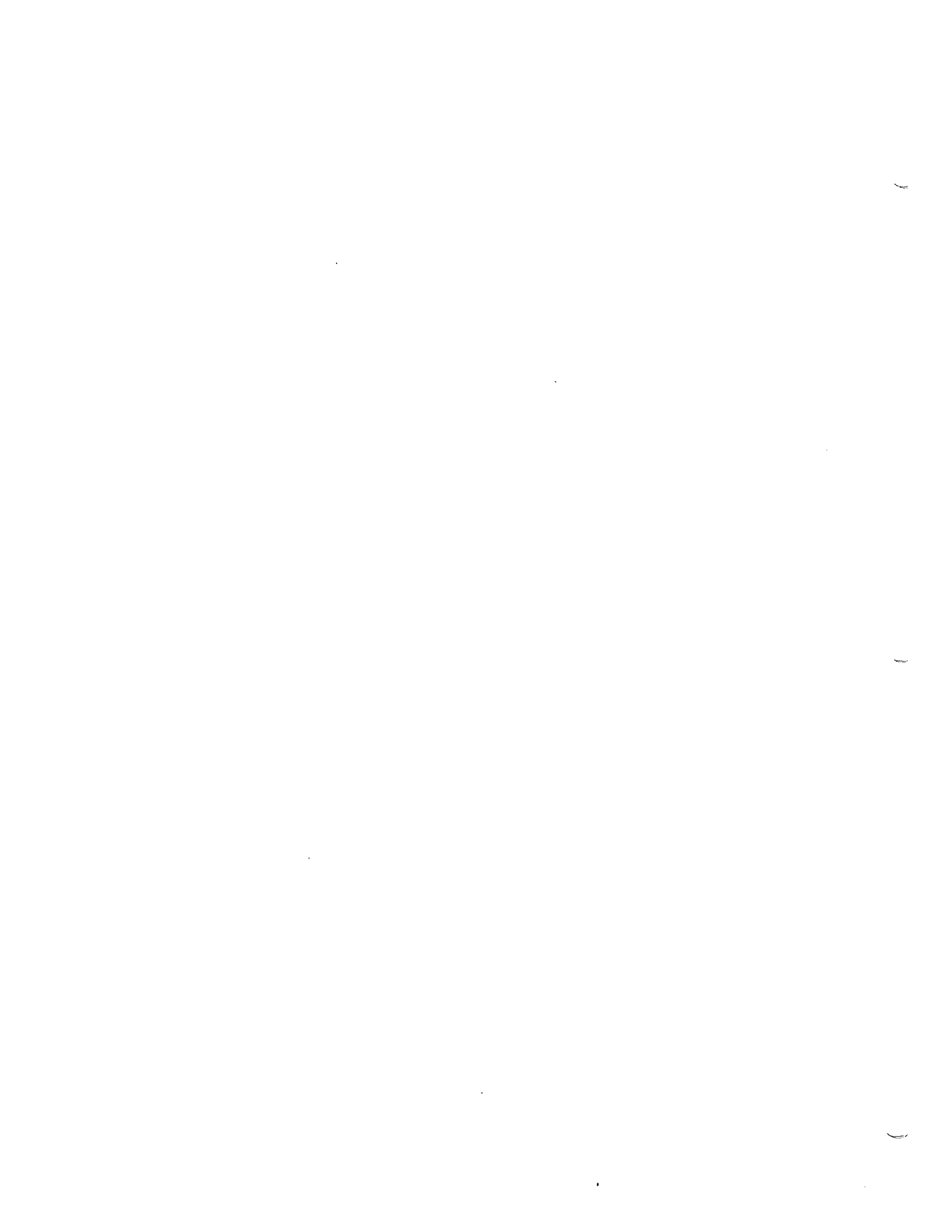
C. Curfew for minors. It shall be unlawful for any person seventeen (17) or less years of age [under eighteen (18)] to be or remain in or upon the streets or other public places within the Town of Cashion at night during the period ending 6:00 a.m. and beginning:

1. At 10:00 p.m. for minors fifteen (15) years of age or younger.
2. At 12:00 midnight for minors more than fifteen (15) years of age.

D. Exceptions. In the following exceptional cases, a minor on a town street during the nocturnal hours for which the preceding section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:

1. When accompanied by a parent of such minor.
2. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fide of such exercise by possession of a written communication, signed by a parent of such minor with their home address and telephone number, specifying when and where and in what manner said minor will be on the streets at night (during hours when the curfew ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.



4. In case of reasonable necessity, but only if the minor has in said minor's possession a written communication signed by the minor, countersigned by a parent of such minor, evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose, including points of origin and destination.

5. When the minor is on property immediately adjacent to the place where such minor resides or on the property of either next-door neighbor not communicating an objection to the police officer.

6. When returning home, by a direct route from [and within thirty (30) minutes of the termination of] a school activity or an activity of a religious or a voluntary association, provided that the minor has a written communication in the minor's possession, countersigned by the parent, indicating the home address and telephone number, the purpose of the event and when, where and in what manner said minor will be on the streets at night.

7. When authorized, by regulation issued by the Town Board, in other similar cases of reasonable necessity, similarly handled but adapted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Town Board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity and the reason necessary and is consistent with public interest and the purposes of this curfew ordinance.

8. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment; or carries a valid proof of employment which may include the latest payroll receipt not over thirty (30) days old.

9. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bone fide interstate movement through the town, particularly on normal routes.

E. Parental responsibility. It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any town street under circumstances not constituting an exception to, or otherwise beyond the scope of, which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such minor.

F. Police procedures. A police officer of the town, upon finding or having attention called to any minor on the streets or in or around a public place in prima facie violation of the curfew ordinance, normally shall take the minor to the police station, or other places designated by the Chief of Police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial, and uniform enforcement and recording, thus making available experienced supervisory



personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age.

1. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity may readily be ascertained or is known.

2. In any event such police officer shall, within twenty-four (24) hours, file a written report with the Chief of Police or shall participate to the extent of the information for which he is responsible; said report shall be treated for purposes of juvenile records in accordance with state statutes.

3. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that, in accordance with police regulations approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

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

G. Responsibility of owners of public places. It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit, or suffer the presence of minors in violation of the curfew established by this section.

H. Penalty. If, after the warning notice of a first violation by a minor, a parent violates this section (in connection with a second violation by said minor), this shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere or finding of guilt to any violation of this section shall be a fine of up to one hundred dollars (\$100), plus costs.

(Ord. No. 58, 8/2/93)

SECTION 10-414 SLEEPING IN PUBLIC.

A. It is unlawful for any person, between the hours of 12:00 A. M. midnight and 6:00 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 the party playing;

3. To gamble knowingly in any other manner; or

4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the 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 Fifty Dollars (\$50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of



which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within one hundred eighty (180) 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 pretenses, deception, cheating or by any other fraudulent act.

(Cont'd on page 10-25)



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, wilful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any intentional, wilful 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 or an assault and battery within the jurisdiction of the town. Any person committing an assault 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 10-601 RESISTING AN OFFICER.

A. It is unlawful to resist, oppose or assault, or in any way interfere with the police chief or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the 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 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 judgement, or otherwise held in legal custody by authority of the town, 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 the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees 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 wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the 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.

CHAPTER 7

PENALTIES

Section 10-701 General penalties.

SECTION 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1-108 of this code.

