

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 Misdemeanor Provisions for Crimes as Defined and Prescribed in Titles 21 and 22

**CHAPTER 2
OFFENSES AGAINST PROPERTY**

Section 10-201	Petit Larceny Prohibited
Section 10-202	Receiving Stolen Property
Section 10-203	Injuring Automobiles and Other Vehicles
Section 10-204	Destroying or Injuring Buildings and Other Property
Section 10-205	Placing Signs on Property of Another
Section 10-206	Throwing or Shooting at Persons or Property
Section 10-207	Tampering with or Damaging Public Utilities
Section 10-208	Unlawful Intrusion Upon Land
Section 10-209	Illegal Entrance
Section 10-210	Throwing Advertising on Street, Prohibited
Section 10-211	Throwing Injurious Substances
Section 10-212	Injury to Plants and Trees
Section 10-213	Unlawful Deposits
Section 10-214	Public Streets and Trees
Section 10-215	Trespass Prohibited
Section 10-216	Parking on Property of Another
Section 10-217	Improper Use of Driveways and Parking Areas
Section 10-218	Interference with Fire Hydrants
Section 10-219	Destroying or Defacing Library Books
Section 10-220	Larceny of Cable Television Services

**CHAPTER 3
OFFENSES AGAINST THE PUBLIC**

Section 10-301	Disturbing the Peace
Section 10-302	Unlawful Assembly, Riots, Routs, Warnings
Section 10-303	Insulting Signs; Literature or Language
Section 10-304	Fireworks Regulated
Section 10-305	Storing or Keeping Explosives; Nitroglycerine Prohibited
Section 10-306	Carrying Weapons; Exceptions

Offenses and Crimes

Section 10-307	Sale or Furnishing of Weapons to Minors
Section 10-308	Reckless Conduct
Section 10-309	Discharging Weapons; Throwing Missiles
Section 10-310	Loud Noise or Music Prohibited; Amplified Sound
Section 10-311	Political Advertising on Rights of Way
Section 10-312	Misrepresentation of Age by False Document

CHAPTER 4 OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public Intoxication and Drinking Prohibited
Section 10-402	Possession; Intoxicating Beverages and Low-Point Beer
Section 10-403	Intoxicating Liquors
Section 10-404	Marijuana 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	Peeping
Section 10-414	Curfew for Children
Section 10-415	Sleeping in Public
Section 10-416	Begging Prohibited
Section 10-417	Gambling Prohibited
Section 10-418	Being About Place Where Gambling is Going On
Section 10-419	Harmful Deception
Section 10-420	Swindling Unlawful
Section 10-421	False Advertising
Section 10-422	False or Bogus Checks

CHAPTER 5 OFFENSES AGAINST PERSONS

Section 10-501	Assault and Battery Prohibited
----------------	--------------------------------

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	Assisting Escape of Prisoners

Offenses and Crimes

Section 10-607	Unlawful Communication with Prisoners
Section 10-608	Impersonating an Officer or Employee
Section 10-609	False Alarms
Section 10-610	False Representation to an Officer
Section 10-611	Removal of Barricades
Section 10-612	Resisting Public Officials
Section 10-613	Eluding Police Officer

CHAPTER 7
PENALTIES

Section 10-701	General Penalties
----------------	-------------------

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 Misdemeanor Provisions for Crimes as Defined and Prescribed in Titles 21 and 22

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 MISDEMEANOR PROVISIONS FOR CRIMES AS DEFINED AND PRESCRIBED IN TITLES 21 AND 22

There is hereby adopted by reference and made a part of the Oologah Code all of the misdemeanor offense provisions found in *Titles 21 and 22 of the Oklahoma Statutes* and adopting the provisions of *Chapters 1 and 2 of Title 37 of the Oklahoma Statutes*. All of these provisions are hereby made a part of the Crimes and Offenses Ordinances of the Town. All such provisions providing for misdemeanor offenses are hereby incorporated into the laws of the Town of Oologah by this Section, specific reference to which is hereby made, as well as all subsequent amendments to the laws, and all of the laws, as well as amendments thereto, shall be in full force and effect within the Town insofar as the same are not modified by other provisions of the Oologah Code or amendments thereto. Violation of these offenses shall constitute a crime punishable under the laws of the Town of Oologah in Municipal Court.

Offenses and Crimes

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Petit Larceny Prohibited
Section 10-202	Receiving Stolen Property
Section 10-203	Injuring Automobiles and Other Vehicles
Section 10-204	Destroying or Injuring Buildings and Other Property
Section 10-205	Placing Signs on Property of Another
Section 10-206	Throwing or Shooting at Persons or Property
Section 10-207	Tampering with or Damaging Public Utilities
Section 10-208	Unlawful Intrusion Upon Land
Section 10-209	Illegal Entrance
Section 10-210	Throwing Advertising on Street, Prohibited
Section 10-211	Throwing Injurious Substances
Section 10-212	Injury to Plants and Trees
Section 10-213	Unlawful Deposits
Section 10-214	Public Streets and Trees
Section 10-215	Trespass Prohibited
Section 10-216	Parking on Property of Another
Section 10-217	Improper Use of Driveways and Parking Areas
Section 10-218	Interference with Fire Hydrants
Section 10-219	Destroying or Defacing Library Books
Section 10-220	Larceny of Cable Television Services

SECTION 10-201 **PETIT LARCENY PROHIBITED**

A. Petit larceny is the taking of personal property of value not exceeding Five Hundred Dollars (\$500.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

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

State Law Reference: Petit larceny defined, *21 Okla. Stat. 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 use 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.

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**

A. 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.

B. It is unlawful for any person to loosen or remove any plank, board, block, brick, stone, stringer, support or other part from, or to injure or destroy, any sidewalk, crossing, bridge, culvert, viaduct, gate, sign or other property of another, without lawful authority.

State Law Reference: Damaging property of another, *21 Okla. Stat. Sections 1760, et seq.*

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 cases where such is done in defense of oneself, of another person or of property.

SECTION 10-207 **TAMPERING WITH OR DAMAGING PUBLIC UTILITIES**

A. It is unlawful for any person to adjust, connect, disconnect, molest, injure, destroy or in any way tamper with any water or gas pipe, meter loop, riser or connection belonging thereto, or any water, gas or electric meter, meter box or housing, or any pipe, wire conduit or connection belonging thereto, or any other part of water, gas or electrical system, or to do any act or use any contrivance to prevent or affect correct and proper registration by any such meter. This shall not apply to officers and employees of the Town or of any person, firm or corporation owning or operating such water, gas or electric system, acting in the line of duty.

B. No person without lawful authority may make any splice, tap or other connection into or on any cable, wire, pipe or other connection into or on any cable, wire, pipe or other service furnished to the residents of the Town by the Town or by any person, firm or corporation operating in the Town under a valid permit issued by the Town.

State Law Reference: Larceny of cable services, *21 Okla. Stat. Section 1737.*

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.

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.

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 **UNLAWFUL DEPOSITS**

A. No person may deposit, or cause to be deposited, in any street or alley, any filth, garbage, ashes, rubbish, sweepings, paper, trash, leaves or any other waste materials, junk, auto parts, ice boxes, refrigerators, boxes, appliances, nor may any of the foregoing materials, other than ashes, soil, leaves, refuse from building materials such as plaster, brick, and the like, or other suitable materials, be placed or dumped on any lot within the Town. It is unlawful to place upon the sidewalks, alleys or streets any sweepings or trash from stores or other buildings, or any leaves, yard cleanings, debris from pruning or other refuse materials, except that materials designated by the Mayor may be used for filling in places designated by him.

B. No person as owner or occupant of any premises in the Town shall permit such premises to have any of the items prohibited in Subsection A of this Section thereon.

Cross Reference: Littering, Sections 8-501, et seq., on streets and sidewalks; discharge of garbage, into sewers, see Part 17.

SECTION 10-214 **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

5. Connect any driveway to any street or other public place without first securing permission from the Town Inspector to do so.

Any such digging, removing, or driveway connection shall be done under the supervision of the Town.

SECTION 10-215 **TRESPASS PROHIBITED**

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

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

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

3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operations 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 operations 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.

SECTION 10-216 **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.

Cross Reference: Parking regulations, Sections 15-701, et seq.

SECTION 10-217 **IMPROPER USE OF DRIVEWAYS AND PARKING AREAS**

It is unlawful for any person to drive a motor vehicle onto the premises, driveway, or parking area of any place of business without purchasing or attempting to purchase or obtain service or merchandise thereat. It shall be considered a violation of this Section to drive onto the premises without stopping and requesting services or attempting to purchase merchandise; provided nothing herein shall prohibit deliveries of materials or merchandise to the premises.

SECTION 10-218 **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.

Cross Reference: Fire Department and services, Sections 13-201, et seq.

SECTION 10-219 **DESTROYING OR DEFACING LIBRARY BOOKS**

A. Any person who shall destroy or deface any book, periodical or other property of the Oologah Library, or shall fail to return such book, periodical or other property at such time as the same shall be required to be returned, or shall fail to make restitution for any book, periodical or other property of said library that is destroyed, defaced, lost or not returned, shall be guilty of an offense and punished accordingly.

B. Any person who violates the provisions of this Section is guilty of an offense and, upon conviction, shall be fined in an amount not to exceed Twenty-Five Dollars (\$25.00), including costs.

SECTION 10-220 **LARCENY OF CABLE TELEVISION SERVICES**

A. Any person who:

1. Shall knowingly obtain or attempt to obtain cable television service from another by means, artifice, trick, deception or devise, without payment to the operator of said service of all lawful compensation for each type of service obtained; or

2. Shall knowingly assist or instruct any other person in obtaining or attempting to obtain any cable television service without the payment to the operator of all lawful compensation; or

3. Shall knowingly tamper or otherwise interfere with or connect to by any means, whether mechanical, electrical, acoustical or other means, any cables, wires, or other devices used for the distribution of cable television without authority from the operator of said service; or

4. Shall knowingly manufacture, import into this State, distribute, sell, offer for sale, rental, or use, possess for sale, rental, or use, or advertise for sale, rental, or use, any device of any description, or any plan, or kit for a device, designed in whole or in part to facilitate the doing of any of the acts specified in paragraphs 1, 2 and 3 of this Subsection;

shall be guilty, upon conviction, of the misdemeanor of larceny of cable television service or tampering with cable television service.

B. In any prosecution, as set forth in Subsection A of this Section, the existence on the property and in the actual possession of the accused, of (1) any connection, wire, conductor or any device whatsoever, which is connected in such a manner as would appear to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service, or (2) the existence on the property and in the actual possession of the accused, in quantities or volumes suggesting possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts mentioned in Subsection A of this Section, shall be prima facie evidence of intent to violate and of the violation of the provisions of Subsection A of this Section, by the accused.

C. The provisions of this Section shall not be construed or otherwise interpreted to prohibit an individual from owning or operating a device commonly known as a "satellite receiving dish" for the purpose of receiving and "utilizing satellite-relayed television signals" for his own use.

State Law Reference: Larceny of Cable Services, *21 OS ' 1737*.

Offenses and Crimes

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the Peace
Section 10-302	Unlawful Assembly, Riots, Routs, Warnings
Section 10-303	Insulting Signs; Literature or Language
Section 10-304	Fireworks Regulated
Section 10-305	Storing or Keeping Explosives; Nitroglycerine Prohibited
Section 10-306	Carrying Weapons; Exceptions
Section 10-306	Reckless Conduct
Section 10-307	Sale or Furnishing of Weapons to Minors
Section 10-308	Reckless Conduct
Section 10-309	Discharging Weapons; Throwing Missiles
Section 10-310	Loud Noise or Music Prohibited; Amplified Sound
Section 10-311	Political Advertising on Rights of Way
Section 10-312	Misrepresentation of Age by False Document
Section 10-313	Unlawful Picketing of Religious Events

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 UNLAWFUL ASSEMBLY, RIOTS, ROUTS, WARNINGS

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

1. "Riot" means any use of force or violence, or any threat to use force or violence if accompanied by immediate power of execution by three (3) or more persons acting together and with authority of law, is riot;

2. "Rout" is whenever three (3) or more persons, acting together, make any attempt to do any act toward the commission of an act which would be riot if actually committed, such assembly is a rout;

3. "Unlawful assembly" is wherever three (3) or more persons assemble 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 adopted to disturb the public peace, or excite public alarm, such assembly is an unlawful assembly;

B. Every person remaining present at the place of any riot, rout or unlawful assembly after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of an offense.

C. Where three (3) or more persons assemble for a lawful purpose and afterwards proceed to commit an act that would amount to riot if it had been the original purpose of the meeting, every person who does not retire when the change or purpose is made known, except public officers and persons assisting them in attempting to disperse the same, is guilty of an offense.

D. It is unlawful and shall constitute incitement to riot for a person or persons, intending to cause, aid, or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a Police Officer, Peace Officer, Fireman or a member of the Oklahoma National Guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.

E. Any person who violates this Section is guilty of an offense and, upon conviction, shall be punished as provided in Section 1-108 of this Code.

SECTION 10-303 **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 10-304 **FIREWORKS PROHIBITED**

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 use and discharge of fireworks within the Corporate Limits of the Town of Oologah is prohibited. (Ord. No. 99-1, 01/08/99)

C. License Fee Levied

1. There is hereby levied upon each dealer of fireworks a License Fee of Twenty-Five Dollars (\$25.00) for sale of fireworks, which License shall be good for a period not to exceed thirty (30) days in one calendar year.

2. Such License Fee shall be paid to the Town Clerk at time of issuance of License, and shall be posted in a conspicuous place at the place of sale.

SECTION 10-305 STORING OR KEEPING EXPLOSIVES; NITROGLYCERINE PROHIBITED

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 and Ordinance of the Town for the purpose of selling, storing or keeping such items.

SECTION 10-306 CARRYING WEAPONS, EXCEPTIONS

A. It is unlawful for any person, except as may be authorized by State law, to carry concealed upon or about his person any firearm or any weapon of the kind usually known as air pistol or air gun, or weapon of the kind usually known as slingshot, bowie knife, dirk knife, switchblade knife, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon.

B. Notwithstanding the provisions of Subsection A of this Section, persons shall be permitted to carry within the Town shotguns, rifles or firearms which are not concealed in accordance with State law, or which are permitted to be concealed under State law.

State Law Reference: State firearms act, *21 Okla. Stat. Sections 1289.1, et seq.*; Similar provisions, *21 Okla. Stat. Section 1272*; authority of Town to prohibit carrying of weapons, *11 Okla. Stat. Section 22-110*.

SECTION 10-307 SALE OR FURNISHING OF WEAPONS TO MINORS

It is unlawful for any person within the Town to sell or give to any minor any of the firearms or weapons designated in Section 10-306 of this Code, except as authorized by State law.

SECTION 10-308 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 10-309 DISCHARGING WEAPONS; THROWING MISSILES

A. It is unlawful for any person to discharge any species of firearms, air pistol, air gun, slingshot or discharge a hand grenade, bomb or similar device, or other weapon, or throw any missile within the Town, except when necessary for the protection of life or property in accordance with law, and except as may be permitted by State law.

B. That organized shooting contests and shooting ranges may be held in the Town limits of Oologah following approval of the Board of Trustees of the Town of Oologah. That said approval may only be granted upon a showing that said contest or shooting range will be supervised and controlled so that all due protections will be given to safeguard person an

State Law Reference: Discharging firearms or air rifles in public places, *21 Okla. Stat. Section 1364*; authority of Town to prohibit discharge of firearms, *11 Okla. Stat. Section 22-110*.

SECTION 10-310 **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 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 10-311 **POLITICAL ADVERTISING ON RIGHTS OF WAY**

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

B. It is unlawful for any person, firm or corporation to erect or display any advertising sign or advertising of any other character upon any street or public utility easement within the Town.

C. No person, firm or corporation shall place, tack, nail, staple or glue any advertising sign on any telephone, telegraph, electric cable or street-lighting pole within this Town.

D. Any advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected placed or displayed in violation of the provisions hereof, and such sign may be removed and destroyed by any person.

Cross Reference: Littering and handbills, Sections 8-501, et seq.

SECTION 10-312 **MISREPRESENTATION OF AGE BY FALSE DOCUMENT**

It is unlawful for any person, for the purpose of violating any Statute of Oklahoma or Ordinance of the Town of Oologah, to willfully and knowingly misrepresent his or her age by presenting a false document purporting to state his or her true age.

SECTION 10-313 **UNLAWFUL PICKETING OF RELIGIOUS EVENTS**

A. **Definitions.** The following words and phrases, when used in this Section, shall have the following meanings:

Announced religious event means a religious event which the public has been provided notice of the beginning time and of the duration or ending time of such event by the conspicuous posting of a sign on the property where the event is to be held or by announcement in a newspaper regularly circulated or printed on at least a weekly basis within the Town.

Focused picketing means standing or sitting or walking in a repeated manner past or around a cemetery, mortuary or house of worship by one or more persons while (i) carrying a banner, placard, or sign, or (ii) protesting.

Funeral means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.

House of worship means any church, synagogue, mosque, or other structure that is regularly used for the exercise of religious beliefs.

Protesting means the act of declaring disapproval or objection issued by a concerned person, group, or organization or an individual or collective gesture or display of disapproval.

Religious event means any scheduled worship service, funeral, memorial service for the dead, or other observance of a religious sacrament, ritual, ceremony or celebration that takes place at a house of worship, cemetery or mortuary or on the property where a house of worship, cemetery or mortuary is situated.

B. **Unlawful Acts.** It is unlawful for any person to engage in focused picketing, during the time period from one hour prior to the beginning of time of an announced religious event until two hours after the ending time of the event, on public property at any of the following locations:

1. On the sidewalk adjoining the property on which a house of worship, cemetery or mortuary is situated; or
2. In the street or roadway adjoining or adjacent to the property on which a house of worship, cemetery or mortuary is situated: or
3. On the public area between the house of worship, cemetery or mortuary and an adjoining or adjacent street or roadway, including but not limited to the curb, drainage, or area between the street and sidewalk (if sidewalk exists); or
4. On any public property within 100 feet of the property line on which a house of worship, cemetery or mortuary is situated, if any entrance to the house of worship, cemetery or mortuary is located on that side of the property.

C. **Penalty.** Any person violating this Section may be punished by:

1. A fine of not more than \$200.00;
2. Imprisonment in jail for no more than thirty (30) days;
3. Both such fine and imprisonment not to exceed the limits set forth therein.

D. **Purpose.** The Board of Trustees finds:

1. It is generally recognized that families have a substantial interest in organizing and attending religious events for deceased relative; and

2. The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when religious events are targeted for picketing and other public demonstrations; and

3. Picketing of religious events causes emotional disturbance and distress to grieving families who participate in the event; and

4. Full opportunity exists under the terms and provisions of this Section for the exercise of freedom of speech and other constitutional rights at times other than within one hour prior to, during and two hours following the commencement of religious events.

Offenses and Crimes

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public Intoxication and Drinking Prohibited
Section 10-402	Possession; Intoxicating Beverages and Low-Point Beer
Section 10-403	Intoxicating Liquors
Section 10-404	Marijuana 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	Peeping
Section 10-414	Curfew for Children
Section 10-415	Sleeping in Public
Section 10-416	Begging Prohibited
Section 10-417	Gambling Prohibited
Section 10-418	Being About Place Where Gambling is Going On
Section 10-419	Harmful Deception
Section 10-420	Swindling Unlawful
Section 10-421	False Advertising
Section 10-422	False or Bogus Checks

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, spirituous, vinous or malt liquors, low-point beer, 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; INTOXICATING BEVERAGES AND LOW-POINT BEER**

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating alcoholic beverage or low-point beer 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. For the purpose of this Section "intoxicating beverage" and "low-point beer" shall be as defined in Sections 3-101 and 3-201 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 liquor or beverage or low-point beer of any kind except as permitted by law;

2. To have in possession or under control any intoxicating liquor or beverage or low-point beer except as permitted by law, or to transport or in any manner convey from place to place in the Town any intoxicating liquor or beverage or low-point beer except as permitted by law;

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

SECTION 10-404 **MARIJUANA PROHIBITED**

A. It is unlawful for any person knowingly to:

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

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 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.

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**

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 the Town.

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.

State Law Reference: Municipal power to regulate disorderly process and indecencies, *11 Okla. Stat. Section 22-109.*

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.

State Law Reference: Municipal power to regulate disorderly process and indecencies, *11 Okla. Stat. Section 22-109.*

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.

State Law Reference: Municipal power to regulate disorderly process and indecencies, *11 Okla. Stat. Section 22-109.*

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.

State Law Reference: Municipal power to regulate disorderly process and indecencies, *11 Okla. Stat. Section 22-109.*

SECTION 10-410 **DEFINITIONS; OBSCENITY REGULATIONS**

The following terms when used in this Article shall have the meaning respectively ascribed to them in this Section:

Offenses and Crimes

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;
2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;
3. Knowingly engage or participate in any obscene performance made available to the public; 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 theater so long as that person is not acting as director or manager of the theater.

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 **PEEPING**

It is unlawful for any person to hide or be in the vicinity of any private dwelling house, apartment, or building with the intent to or to watch, gaze or look at occupants therein in a clandestine manner.

SECTION 10-414 **CURFEW FOR CHILDREN**

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 eighteen (18);
2. "Parent" is the natural or adoptive parent of a minor;
3. "Guardian" is any person or 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 parentis 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, café, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle, in about or upon any public

place in the Town between the hours of 12:00 A.M. and 6:00 A.M., except that with respect to all parks located in the Town, it is unlawful for any minor to remain, wander, stroll or play in those parks between the hours of 10:00 P.M. and 6:00 A.M. the following day, 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 or occupation.

C. It is unlawful for any person, firm or corporation operating a business or having charge of any minor to knowingly permit or suffer the presence of minors on the premises in violation of the hours of curfew designated in Subsection B of this Section while a minor is under the charge of such person, firm or corporation.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to knowingly 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.

E. Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than that called for in Subsection B shall be exempt from the provisions of Subsection B if the church, school, club or other organization registers in advance with the Police Department or his designate to have the minors stay out to this later hour. The registrant shall state the time the function or entertainment will end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half hour after the function is ended. This exemption shall not exceed five (5) consecutive days or, in the alternative, two (2) days a week for a period not to exceed thirty (30) days. All requests shall be filed with the Town Clerk of the Town. Any applicant for such exemption feeling aggrieved by the action of the Police Department, may file a request for hearing before the Judge of the Municipal Court of the Town, who shall summarily hear same, and his judgment shall be final.

F. Any Police Officer upon finding a minor in violation of Subsection B shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The Police Officer shall report such action to the Juvenile Officer of the Police Department, who, in turn, shall notify the parents, guardian, or person having custody or control of such minor. If such minor refuses to heed such warning or direction by any Police Officer or refuses to give such Police Officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

G. Penalties for violation of this Section are as follows:

1. Any minor sixteen (16) years of age or older violating the provisions of this Article shall be fined not more than Twenty-five Dollars (\$25.00) plus Court costs for each offense, or may be dealt with in accordance with the Juvenile Court Law and Procedure;

2. Any minor below the age of sixteen (16) years violating the provisions of this Article shall be dealt with in accordance with the Juvenile Court Law and Procedure;

3. Any parent, guardian or other adult person having the care and custody of a minor violating this Article shall, after having been previously notified under Subsection B, be fined as provided in Section 1-108 of this Code, plus Court costs for each offense; and

4. Any owner of a public place violating the provisions of this Section shall be fined not more than Twenty-five Dollars (\$25.00) plus Court costs, for each offense.

SECTION 10-415 **SLEEPING IN PUBLIC**

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

SECTION 10-416 **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 10-417 **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, 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.

C. This Section shall not apply to lawful activities permitted pursuant to the Oklahoma Horse Racing Act.

State Law Reference: Municipal power to prohibit gambling, *11 Okla. Stat. Section 22-108*; gambling prohibited, *21 Okla. Stat. Sections 941, et seq.*; Oklahoma Horse Racing Act.

SECTION 10-418 **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 10-419 **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 10-420 **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 another other fraudulent act.

SECTION 10-421 **FALSE ADVERTISING**

Any person who, with intent to sell or in any way dispose of merchandise, securities, service or anything offered by such person directly or indirectly to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates, or places before the public in this Town, in a newspaper or other publication or in the form of a book, notice, handbill, poster, bills, circular, pamphlet, or letter or in any other way, any advertisement of any sort regarding merchandise, securities, or anything so offered to the public which advertisements contain any assertion, representation or statement of facts that are untrue, deceptive or misleading, shall be guilty of an offense.

SECTION 10-422 **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 one hundred eighty (180) days after same is delivered and accepted.

Offenses and Crimes

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and Battery Prohibited

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED

A. It is unlawful to commit an assault or an assault and battery within the Town.

B. For the purposes of this Section, an assault is any wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any wilful and unlawful use of force or violence upon the person of another.

State Law Reference: Similar provisions, *21 Okla. Stat. Sections 641, 642, 644.*

Offenses and Crimes

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	Assisting Escape of Prisoners
Section 10-607	Unlawful Communication with Prisoners
Section 10-608	Impersonating an Officer or Employee
Section 10-609	False Alarms
Section 10-610	False Representation to an Officer
Section 10-611	Removal of Barricades
Section 10-612	Resisting Public Officials
Section 10-613	Eluding Police Officer

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 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 or 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 the public places of the Town in pursuance of any judgment, 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 **ASSISTING ESCAPE OF PRISONERS**

A. It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner from any officer or employee of the Town having legal custody of such prisoner or from the Town Jail or other place of confinement by the Town.

B. It is unlawful for any person to convey into the Town Jail or other Town prison any instrument or other thing useful to facilitate the escape of any prisoner therein, or to give any such instrument or thing to a prisoner in custody or in prison, whether such escape is effected or attempted or not.

State Law Reference: Similar provisions, *21 OS 1971, Sections 437, 441, 521.*

SECTION 10-607 **UNLAWFUL COMMUNICATION WITH PRISONERS**

It is unlawful for any person to loiter about the Town Jail or any other Town prison with intent to communicate unlawfully with any prisoner confined therein, or to communicate or attempt to communicate unlawfully with any prisoner confined in such jail or prison or held in legal custody,

SECTION 10-608 **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.

State Law Reference: Impersonating public officers, *21 Okla. Stat. Section 1533.*

SECTION 10-609 **FALSE ALARMS**

A. 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 or unnecessary run to any part of the Town or outside the Town.

B. No person shall telephonically call or dial the numbers Nine One One (911), or otherwise cause a telephone to telephonically connect with the Nine One One (911) emergency system, for the purpose of making a false alarm or complaint, or reporting false information which could result in the dispatch of emergency services from any public agency provider.

SECTION 10-610 **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 10-611 **REMOVAL OF BARRICADES**

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

SECTION 10-612 **RESISTING PUBLIC OFFICIALS**

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the Police Department, 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 10-613 **ELUDING POLICE OFFICER**

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a Police Officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who wilfully increases his speed or extinguishes his lights in an attempt to elude such Police Officer, or who does elude such Police Officer.

**CHAPTER 7
PENALTIES**

Section 10-701 General Penalties

SECTION 10-701 GENERAL PENALTIES

Any violation of the provisions of this Part is punishable as provided in Section 1-108 of this Code.

Offenses and Crimes