

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES GENERALLY

131. OFFENSES AGAINST PERSONS AND PUBLIC AUTHORITY

132. OFFENSES AGAINST PUBLIC PEACE AND MORALS

133. OFFENSES AGAINST PROPERTY

CHAPTER 130: OFFENSES GENERALLY

Section

130.01 Attempts to commit an offense

130.02 Aiding in an offense

130.03 State law adopted

130.99 Penalty

§ 130.01 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.

(Prior Code, § 10-101) Penalty, see § 130.99

§ 130.02 AIDING IN AN OFFENSE.

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

(Prior Code, § 10-102) Penalty, see § 130.99

§ 130.03 STATE LAW ADOPTED.

(A) *Penal Code adopted.* The provisions of the Penal Code of the state, 21 O.S. §§ 1 et seq., which are punishable as misdemeanors and enforceable as offenses in criminal actions in Municipal Court, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein, subject only to the limitations provided by law including, but not limited to, 11 O.S. § 14-111.

(B) *State Uniform Controlled Dangerous Substances Act adopted.* The provisions of the State Uniform Controlled Dangerous Substances Act, 63 O.S. §§ 2-101 et seq., which are punishable as misdemeanors and enforceable as offenses in criminal actions in Municipal Court, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein, subject only to the limitations provided by law including, but not limited to, 11 O.S. § 14-111.

(Ord. 2017-04, passed 9-12-2017)

§ 130.99 PENALTY.

(A) Any violation of the provisions of this chapter is punishable as provided in § 10.99 of this code. The term **PERSON** as used in this chapter shall include, but not be limited to, any human being, firm, partnership, company, LLC, corporation, or any other entity or organization.

(Prior Code, § 10-701)

(B) (1) Unless otherwise punishable under the town code or otherwise provided by law, the maximum penalty in Municipal Court for violation of the Penal Code of the state, 21 O.S. §§ 1 et seq., as adopted in § 130.03(A), is \$500.

(2) Unless otherwise punishable under the town code or otherwise provided by law, the maximum penalty in Municipal Court for violation of the State Uniform Controlled Dangerous Substances Act, 63 O.S. §§ 2-101 et seq., as adopted in § 130.03(B), is \$500.

(Ord. 2017-04, passed 9-12-2017)

CHAPTER 131: OFFENSES AGAINST PERSONS AND PUBLIC AUTHORITY

Section

Offenses Against Persons

- 131.01 Assault and battery
- 131.02 Lawful use of force

Offenses Against Public Authority

- 131.15 Resisting an officer
- 131.16 Refusing or failing to assist an officer
- 131.17 Assault or battery upon police or other law officer
- 131.18 Rescuing prisoners
- 131.19 Escape of prisoners
- 131.20 Impersonating an officer or employee
- 131.21 False alarms
- 131.22 False representation to an officer
- 131.23 Removal of barricades
- 131.24 Resisting public officials
- 131.25 Interference with emergency medical technicians or care providers
- 131.26 Offenses against EMTs and other care providers
- 131.27 Firefighters, interference with the performance of duties
- 131.28 Interfering with or preventing firefighters or others from extinguishing fires
- 131.29 Obscene and harassing telephone calls and other electronic transmissions
- 131.30 Truancy

OFFENSES AGAINST PERSONS

§ 131.01 ASSAULT AND BATTERY.

(A) An *ASSAULT* is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

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

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

(Prior Code, § 10-501) Penalty, see § 10.99

§ 131.02 LAWFUL USE OF FORCE.

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

(A) When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or her or acting by his or her direction;

(B) When necessarily committed by any person in arresting one who has committed any felony, and delivering him or her to a public officer competent to receive him or her in to custody;

(C) When committed either by the party about to be injured, or by any other person in his or her aid or defense, in preventing or attempting to prevent an offense against his or her person, or any trespass or other unlawful interference with real or personal property in his or her lawful possession; provided the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his or her person or property;

(D) When committed by a parent or authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his or her child, ward, apprentice, or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice, or scholar, or by his or her refusal to obey the lawful command of such parent or authorized agent or guardian, master, or teacher, and the force used is reasonable in manner and moderate in degree;

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

(F) When committed by any person in preventing a person who is impaired by reason of mental retardation or developmental disability as defined by the state statutes, a mentally ill person, insane person, or other person of unsound mind, including persons temporarily or partially deprived of reason,

from committing an act dangerous to such person's self or to another, or enforcing such restraint as is necessary for the protection of the person or for restoration to health during such period only as shall be necessary to obtain legal authority for the restraint or custody of the person.

(Prior Code, § 10-502) (Ord. 984, passed 4-18-2011)

Statutory reference:

Similar provisions, see 21 O.S. § 643

OFFENSES AGAINST PUBLIC AUTHORITY

§ 131.15 RESISTING AN OFFICER.

(A) It is unlawful to resist, oppose, or assault, or in any way interfere with a police officer or any person duty authorized to act as such, while the officer or person is discharging or attempting to discharge his or her 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 or her 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 or her 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 or her and after notice is given that he or her 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 or she is under arrest; or

(3) Refusal by the arrested party to give his or her name and make his or her identity known to the arresting officer.

(Prior Code, § 10-601)

§ 131.16 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 or her 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.

(Prior Code, § 10-602) Penalty, see § 10.99

§ 131.17 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 or her duties.

(Prior Code, § 10-603) Penalty, see § 10.99

§ 131.18 RESCUING PRISONERS.

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

(Prior Code, § 10-604) Penalty, see § 10.99

§ 131.19 ESCAPE OF PRISONERS.

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

(Prior Code, § 10-605) Penalty, see § 10.99

§ 131.20 IMPERSONATING AN OFFICER OR EMPLOYEE.

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent himself or herself 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.

(Prior Code, § 10-606) Penalty, see § 10.99

§ 131.21 FALSE ALARMS.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive a Fire Department, Emergency Management Department, Civil Defense Department, Emergency Response Department, Police Department, Sheriff's Department, any other entity, agency, or department with jurisdiction, or any officer or employee thereof, with reference to any fire alarm or reported fire, accident, or other emergency, or knowingly to cause any of the above listed departments or any other agency or department with jurisdiction, or officer or employee thereof, to make a useless run.

(Prior Code, § 10-607) Penalty, see § 10.99

§ 131.22 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.

(Prior Code, § 10-608) Penalty, see § 10.99

§ 131.23 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.

(Prior Code, § 10-609) Penalty, see § 10.99

§ 131.24 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or willfully to:

(A) Resist, oppose, or obstruct the Chief of Police, any other police officer, the Municipal Judge, or any other officer or employee of the town in the discharge of his or her official duties;

(B) Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his or her official duties; or

(C) Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his or her official duties.

(Prior Code, § 10-610)

§ 131.25 INTERFERENCE WITH EMERGENCY MEDICAL TECHNICIANS OR CARE PROVIDERS.

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

(Prior Code, § 10-611) Penalty, see § 10.99

Statutory reference:

Similar provisions, see 21 O.S. § 650.3

§ 131.26 OFFENSES AGAINST EMTS AND OTHER CARE PROVIDERS.

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

(Prior Code, § 10-612) Penalty, see § 10.99

Statutory reference:

Similar provisions, see 21 O.S. § 650.4

§ 131.27 FIREFIGHTERS, INTERFERENCE WITH THE PERFORMANCE OF DUTIES.

Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firefighters in the performance of their duties, or who knowingly and willfully

obstruct, interfere with or impede the progress of firefighters to reach the destination of a fire, is guilty of an offense against the town and a violation of this code.

(Prior Code, § 10-613) Penalty, see § 10.99

Statutory reference:

Similar provisions, see 21 O.S. § 1217

§ 131.28 INTERFERING WITH OR PREVENTING FIREFIGHTERS OR OTHERS FROM EXTINGUISHING FIRES.

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

(Prior Code, § 10-614) Penalty, see § 10.99

Statutory reference:

Similar provisions, see 21 O.S. § 1198

§ 131.29 OBSCENE AND HARASSING TELEPHONE CALLS AND OTHER ELECTRONIC TRANSMISSIONS.

(A) It shall be unlawful for a person to, by means of a telephone, willfully either:

(1) Make any comment, request, suggestion, or proposal which is obscene, lewd, filthy, or indecent;

(2) Make a telephone call, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;

(3) Make a telephone call, whether or not conversation ensues, without disclosing his or her identity and with the intent to annoy, abuse, threaten, or harass any person at the called number;

(4) Knowingly permit any telephone under his or her control to be used for any purpose prohibited by this section; and

(5) In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number(s).

(B) (1) Use of a telephone facility under this section shall include all use made of such a facility between the points of origin and reception.

(2) Any offense under this subchapter is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

(C) No person, through the use of any electronic method of transferring information, including, but not limited to, any computer, computer network, computer program, computer system, or cellular telephone shall post a message, including posts on the Internet or a computer network, send electronic mail, an instant message, a text message, a personal digital assistant message, or a pager message, or otherwise willfully communicate using a computer or other method of electronic information transmission with any person with an intent to annoy, abuse, threaten, or harass such person. Neither shall any person make any suggestion or communication using an electronic method of transferring or posting information which is obscene, lewd, filthy, or indecent, or with any intent to put the person contacted in fear of physical harm or death.

(Prior Code, § 10-615)

Statutory reference:

Obscene, threatening, or harassing telephone calls, penalty, see 21 O.S. § 1172

§ 131.30 TRUANCY.

(A) It shall be unlawful for any child who is over the age of 12 years and under the age of 18 years, and who has not finished four years of high school work, to neglect or refuse to attend and comply with the rules of some public, private, or other school, or receive an education by other means for the full term the schools of the district are in session; provided, that this section shall not apply if any child:

(1) Is prevented from attending school by reason of mental or physical ability, to be determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;

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

(3) Who has attained his or her sixteenth birthday is excused from attending school by the school administrator in the school district where the child attends school, and the parent, guardian, or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that such child shall thereafter be under the supervision of the parent, guardian, or custodian until the child has reached the age of 18.

(B) Any child under the age of 18 years who has been deemed truant by the school administrator in the school district where the child attends school shall be subject to citation by a law enforcement officer. A citation for truancy shall require a mandatory appearance in Municipal Court by the child. A parent, guardian, or custodian shall also appear in Municipal Court with the child.

(Prior Code, § 10-616)

CHAPTER 132: OFFENSES AGAINST PUBLIC PEACE AND MORALS

Section

Offenses Against the Public

- 132.01 Disturbing the peace
- 132.02 Insulting signs, literature, or language
- 132.03 Fireworks regulated
- 132.04 Storing or keeping explosives
- 132.05 Carrying weapons; exceptions
- 132.06 Reckless conduct
- 132.07 Discharging firearms and other weapons; exceptions
- 132.08 Loud noise or music prohibited; amplified sound
- 132.09 Nuisance
- 132.10 Violation of burn ban; throwing fire hazards from motor vehicle

Offenses Against Health, Welfare, and Morals

- 132.25 Public intoxication and drinking prohibited
- 132.26 Possession, transportation of intoxicating and non-intoxicating beverages
- 132.27 Intoxicating liquors
- 132.28 Prostitution
- 132.29 Disorderly conduct
- 132.30 Disorderly house
- 132.31 Nudity; improper dress; indecent exposure
- 132.32 Definitions
- 132.33 Prohibited obscene conduct
- 132.34 Vagrancy defined for specific acts, offenses
- 132.35 Curfew for minors
- 132.36 Sleeping in public
- 132.37 Begging prohibited
- 132.38 Gambling prohibited
- 132.39 Being about a place where gambling is going on
- 132.40 Harmful deception
- 132.41 False or bogus checks
- 132.42 Swindling unlawful

- 132.43 Unlawfully permitting or allowing gatherings where minors are consuming alcoholic beverages
- 132.44 Window peeping
- 132.45 Selling tobacco or alcohol to persons under the legal age requirement

- 132.99 Penalty

OFFENSES AGAINST THE PUBLIC

§ 132.01 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 division (B) below.

(B) ***DISTURBING THE PEACE*** is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

- (1) Using obscene, offensive, abusive, profane, vulgar, threatening, violent, or insulting language or conduct;
- (2) Appearing in an intoxicated condition;
- (3) Engaging in a fistic encounter;
- (4) Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
- (5) Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
- (6) Holding an unlawful assembly of three or more persons with intent or with means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law, and in such a manner as is adapted to disturb the public peace, or excite public alarm;
- (7) Interrupting any lawful assembly of people by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

(8) Making unnecessarily loud, offensive noises;

(9) Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of worship or within hearing distance thereof;

(10) Obstructing the free passage of pedestrians or vehicles on a street, right-of-way, or sidewalk, or other public place;

(11) Obstructing, molesting, or interfering with any person lawfully in a public place;

(12) The sounding of a horn or signal device on any vehicle, except as a danger signal;

(13) The playing of any radio, phonograph, or any musical instrument in any manner or in such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

(14) The use of an engine brake (also know as “jake brake”) during the hours between 9:00 p.m. and 7:00 a.m. on roadways in the town, except this shall not apply to interstates or United States highways running through the town;

(15) The discharge of the exhaust of any internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, particularly during the hours between 9:00 p.m. and 7:00 a.m.;

(16) The use of any mechanical devices operated by compressed air, unless same is effectively muffled and reduced, particularly during the hours between 9:00 p.m. and 7:00 a.m.;

(17) The allowing of habitual howling, yelping, barking, or other annoyance by the owner, keeper, or possessor of any dog or animal; and/or

(18) Committing any other act in such a manner calculated as to unreasonably disturb, interfere with, or alarm the public or the comfort and repose of any person.

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

(Prior Code, § 10-301)

§ 132.02 INSULTING SIGNS, LITERATURE, OR LANGUAGE.

(A) It is unlawful for any person, firm, or corporation within the town to display any sign, emblem, badge, flag, or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

(B) It is unlawful for any person to willfully use, utter, publish, circulate, or distribute any profane, violent, abusive, or insulting language or literature where:

(1) A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

(2) The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

(Prior Code, § 10-302) Penalty, see § 132.99

§ 132.03 FIREWORKS REGULATED.

(A) For the purpose of this section, **FIREWORKS** shall have the meaning prescribed by state law, 68 O.S. § 1622, as same may be replaced, renumbered, or amended from time to time.

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

(C) (1) Except for the days of July 3, July 4, July 5, December 31, January 1, and January 2 of each year, and except as provided in division (D) below, it is unlawful to shoot, set off, or discharge fireworks within the town.

(2) (a) Provided further, however, the Mayor may issue an executive order adding two additional days for the Fourth of July holiday, and two additional days for the New Year's holiday, should the Mayor, in his or her sole judgment, deem such extension reasonable.

(b) Such executive order shall be posted at the Town Hall at least 24 hours before such extension becomes effective.

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

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

(Prior Code, § 10-303) Penalty, see § 132.99

Statutory reference:

Bottle rockets prohibited by state law, see 68 O.S. § 1624

State governing of fireworks, see 68 O.S. §§ 1621 et seq.

§ 132.04 STORING OR KEEPING EXPLOSIVES.

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

(Prior Code, § 10-304) Penalty, see § 132.99

Statutory reference:

Explosive, blasting agent, and person defined, see 63 O.S. § 121.1

State Explosives and Blasting Regulation Act, see 63 O.S. §§ 122.1 et seq.

§ 132.05 CARRYING WEAPONS; EXCEPTIONS.

(A) It shall be unlawful for any person, including a person in possession of a valid handgun license issued pursuant to the provisions of the State Self-Defense Act, to carry any concealed or unconcealed handgun into any of the following places:

- (1) Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;
- (2) Any place where gambling is authorized by law, unless allowed by the property owner; and
- (3) Any other place specifically prohibited by law.

(B) For purposes of division (A) above, the ***PROHIBITED PLACE*** does not include and specifically excludes the following property:

- (1) Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority;
- (2) Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;

(3) Any property adjacent to a structure, building, or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section; and

(4) Any property designated by a city, town, county, or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area, or fairgrounds; provided, nothing in this division (B) shall be construed to authorize any entry by a person in possession of a concealed or unconcealed firearm into any structure, building, or office space which is specifically prohibited by the provisions of division (A) above.

(C) The provisions of this section shall not apply to the following:

(1) Any peace officer or any person authorized by law to carry a firearm in the course of employment.

(2) District Judges, associate District Judges, and Special District Judges, who are in possession of a valid handgun license issued pursuant to the provisions of the State Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of the state;

(3) Private investigators with a firearms authorization when acting in the course and scope of employment;

(4) Elected officials of a county, who are in possession of a valid handgun license issued pursuant to the provisions of the State Self-Defense Act, may carry a concealed handgun when acting in the performance of their duties within the Courthouses of the county in which he or she was elected. The provisions of this division (C)(4) shall not allow the elected county official to carry the handgun into a Courtroom;

(5) The Sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the State Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the Courthouses in the county in which the person is employed. Nothing in the State Self-Defense Act shall prohibit the Sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the Courthouse. The provisions of this division (C)(5) and of division (C)(6) below shall not allow the county employee to carry the handgun into a courtroom, Sheriff's office, adult or juvenile jail, or any other prisoner detention area; and

(6) The Board of County Commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the State Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the County Courthouse.

(D) For the purposes of this section, **MOTOR VEHICLE** means any automobile, truck, minivan, sports utility vehicle, or motorcycle as defined in 47 O.S. § 1-135, equipped with a locked accessory container within or affixed to the motorcycle.

(Ord. 2020-02, passed 6-9-2020)

§ 132.06 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct by committing such actions that create a situation of unreasonable risk and conscious disregard for injury or damage to persons or property.

(Ord. 2013-03, passed 12-10-2013) Penalty, see § 132.99

§ 132.07 DISCHARGING FIREARMS AND OTHER WEAPONS; EXCEPTIONS.

(A) It is unlawful and a violation of this section for any person to discharge any species of firearm (the term **FIREARMS** in this sentence specifically excluding airguns) on property contained within a subdivision or on tracts of less than five acres in the town, except when doing so in the line of duty, or when lawfully doing so in defense of oneself or another person or of property.

(B) (1) With respect to unplatted property of five acres or more, every person who willfully discharges any pistol, rifle, shotgun, airgun, or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a violation of this section.

(2) It shall not be unlawful to discharge “blank” or “non-projectile” ammunition where conditions are safe to do so for sporting events, practice for sporting events, mounted shooting displays, plays, or exhibitions; provided, the discharge of such “blank” or “non-projectile” ammunition shall not occur during the hours from 10:00 p.m. through 7:00 a.m. without first obtaining a permit from the town.

(Prior Code, § 10-307) Penalty, see § 132.99

Statutory reference:

Discharging firearms, see 21 O.S. § 1364

Cross-reference:

Provisions on throwing or shooting at persons or property, see § 133.05

§ 132.08 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

In addition to § 132.01, 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.

(Prior Code, § 10-308) Penalty, see § 132.99

§ 132.09 NUISANCE.

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

(Prior Code, § 10-309) Penalty, see § 132.99

§ 132.10 VIOLATION OF BURN BAN; THROWING FIRE HAZARDS FROM MOTOR VEHICLE.

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

(Prior Code, § 10-310) Penalty, see § 132.99

OFFENSES AGAINST HEALTH, WELFARE, AND MORALS

§ 132.25 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

(A) (1) It is unlawful for any person to be drunk or intoxicated and to disturb the peace of any person in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering.

(2) An intoxicated person in a public place who appears to be in need of help, if the person consents to the offered help, may be assisted to his or her home, an alternative facility pursuant to the provisions of the State Alcohol and Drug Abuse Services Act, or to an approved treatment facility by a police officer.

(3) A person who appears to be intoxicated, and as a result of such intoxication is unconscious in a public place or reasonably appears to be in danger of harming himself or herself or others, may be taken into protective custody by a peace officer and immediately brought to an approved treatment facility for medical or nonmedical detoxification.

(B) It is unlawful for any person to drink or otherwise consume any intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint, or other intoxicating substance, and to disturb the peace of any person in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station, or room unless authorized by the State Alcoholic Beverage Control Act.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED DANGEROUS SUBSTANCE. Any drug, substance, or immediate precursor, other than marijuana, included in Schedule I, II, III, IV, or V of the Uniform Controlled Dangerous Substances Act (63 O.S. §§ 2-101 et seq.), including, but not limited to:

- (a) Hallucinogenic substances, including mescaline, psilocybin, and various types of methoxyamphetamines;
- (b) Stimulants such as amphetamines and methamphetamines; and/or
- (c) Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.

DRUG PARAPHERNALIA. Any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes, but is not limited to, items intended or designed for use in ingesting, inhaling, or otherwise introducing cocaine, PCP, methamphetamine, or amphetamines into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Roach clips;
- (f) Miniature spoons with level capacities of one-tenth cubic centimeter or less;
- (g) Chamber pipes;

- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs;
- (m) Ice pipes or chillers;
- (n) Wired cigarette papers; or
- (o) Cocaine freebase kits.

MARIJUANA. All parts of the plant *Cannabis Sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. This definition shall not include the mature stalks of such plant; fiber produced from such stalks; oil, cake made from the seeds of such plant, or any other compound, manufacture, sale, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

PRACTITIONER.

(a) A physician, dentist, podiatrist, veterinarian, scientific investigator, or other person who is authorized by state or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes, or administer a controlled dangerous substance in the course of professional practice or research in the state; or

(b) A pharmacy, hospital, laboratory, or other institution authorized by state or federal law to distribute, dispense, or conduct research with respect to use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of a registered professional practice or research in the state.

SIMULATED CONTROLLED DANGEROUS SUBSTANCE. Any substance which is not a controlled substance nor marijuana, but which identifies itself by using a common name or slang term associated with marijuana or with substances identified as a controlled dangerous substance, or which indicates on its label or accompanying promotional material or concerning which it is represented that the product simulates the effect of a substance, or which by appearance, making, or packaging would lead a reasonable person to believe the substance was marijuana or a controlled substance.

(D) (1) It shall be unlawful for any person to knowingly or intentionally possess any controlled dangerous substance or simulated controlled dangerous substance, other than marijuana, unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his or her professional practice.

(2) A person in possession of a state-issued medical marijuana license shall be able to legally possess up to three ounces of marijuana on their person, six mature marijuana plants, six seedling plants, one ounce of concentrated marijuana, 72 ounces of edible marijuana, and eight ounces of marijuana in their residence. It shall be unlawful for any person to knowingly or intentionally possess marijuana without a state-issued medical marijuana license or to possess marijuana in excess of the limits prescribed in this division (D)(2) unless authorized by the state statutes.

(3) Any law enforcement officer who comes into contact with a person in violation of this section and who is satisfied as to the identity of the person, as well as any other pertinent information the law enforcement officer deems necessary, shall issue to the person a written citation containing a notice to answer the charge in the Town Municipal Court. Upon receiving the written promise of the alleged violator to answer as specified in the citation, the law enforcement officer shall release the person upon personal recognizance unless there has been a violation of another provision of law.

(E) (1) No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance, other than medical marijuana, in violation of the Uniform Controlled Dangerous Substances Act, 63 O.S. §§ 2-101 et seq.

(2) No person shall deliver, sell, possess, or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance, other than medical marijuana, in violation of the Uniform Controlled Dangerous Substances Act, 63 O.S. §§ 2-101 et seq.

(3) Divisions (E)(1) and (E)(2) above shall not be applicable to practitioners to the extent such paraphernalia is used as a part of their lawful practice of the profession.

(4) Division (E)(1) above shall not be applicable to the possession of paraphernalia by persons involved in the medical or veterinary equipment supply business, where such possession is a necessary and appropriate part of servicing lawful medical or veterinary practitioners.

(5) In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, in the following may be considered:

- (a) Instructions, oral or written, provided with the item concerning its use;
 - (b) Descriptive materials accompanying the item which explain or depict its use;
 - (c) National and local advertising concerning its use;
 - (d) The manner in which the item is displayed for sale;
 - (e) Whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - (f) Direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
 - (g) The existence and scope of legitimate uses of the item in the community; and
 - (h) Expert testimony concerning its use.
- (6) Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed.
(Prior Code, § 10-401) (Ord. 1160, passed 2-18-2020) Penalty, see § 132.99

§ 132.26 POSSESSION, TRANSPORTATION OF INTOXICATING AND NON-INTOXICATING BEVERAGES.

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

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

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

(D) For the purpose of this section *INTOXICATING BEVERAGE* and *NON-INTOXICATING BEVERAGE* shall be as defined in 37A O.S. § 163.1, as the same may be replaced, renumbered, or amended from time to time.

(Prior Code, § 10-402)

§ 132.27 INTOXICATING LIQUORS.

It is unlawful:

(A) For any person to barter, sell, give away, or otherwise furnish to another any intoxicating or non-intoxicating liquor or beverage of any kind except as permitted by law;

(B) To have in possession or under control any intoxicating or non-intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or non-intoxicating liquor or beverage except as permitted by law;

(C) To loiter in a place where intoxicating or non-intoxicating liquor is sold, bartered, given away, or otherwise furnished contrary to law; or

(D) To keep, maintain, aid, or abet in keeping or maintaining a place where intoxicating or non-intoxicating liquor is sold, bartered, given away, or otherwise furnished in violation of law.
(Prior Code, § 10-403) Penalty, see § 132.99

§ 132.28 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 purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LETTING PREMISES FOR PROSTITUTION. 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.

PROSTITUTION. The giving of the body for sexual intercourse, filatio, cunnilingus, or sodomy for hire or money.

SOLICITING FOR PROSTITUTES. The soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution.
(Prior Code, § 10-405)

§ 132.29 DISORDERLY CONDUCT.

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:

(A) 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;

(B) The violation of any of the ordinances of the town or statutes of the state regulating the sale, distribution, possession, or use of alcoholic beverages or non-intoxicating beverages;

(C) 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

(D) The violation of any state statute or town ordinance prohibiting gambling.
(Prior Code, § 10-406)

§ 132.30 DISORDERLY HOUSE.

(A) (1) No person shall keep or maintain, or aid, abet, or assist in keeping and maintaining a disorderly house.

(2) 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.

(Prior Code, § 10-407)

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

(Prior Code, § 10-408) Penalty, see § 132.99

§ 132.31 NUDITY; IMPROPER DRESS; INDECENT EXPOSURE.

(A) 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; and/or
- (3) Make an indecent public exposure of his or her person.

(B) It is unlawful for any person to procure, counsel, or assist any person to commit any of the acts in division (A) above.

(Prior Code, § 10-409) Penalty, see § 132.99

Statutory reference:

Similar provisions, see 21 O.S. § 1021

§ 132.32 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE TO THE PUBLIC. 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.

DISSEMINATE. To transfer possession of, with or without consideration.

KNOWINGLY. Being aware of the character and the content of the material.

MATERIAL. 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.

NUDITY. 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.

OBSCENE. To the average person applying contemporary community standards:

(1) The predominant appeal of the matter taken as a whole, is to prurient interest; for example, shameful or morbid interest in sexual conduct, nudity, or excretion;

(2) The matter depicts or describes in a patently offensive manner of sexual conduct regulated by 21 O.S.; and

(3) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

PERFORMANCE. Any preview, play, show, skit, film, dance, or other exhibition performed before an audience.

PERSON. Any individual, partnership, firm, association, corporation, or other legal entity.

PROMOTE. To cause, permit, procure, counsel, or assist.

SERVICE TO PATRONS. The provision of services to paying guests in establishments providing food and beverages; including, but not limited to, hosting, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining.
(Prior Code, § 10-410)

§ 132.33 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 his or her 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) (1) 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.

(2) The provisions of §§ 132.32 and 132.33 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.

(Prior Code, § 10-411) Penalty, see § 132.99

§ 132.34 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:

(A) For the purpose of gambling with cards, dice or other gambling paraphernalia;

(B) For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

(C) For the purpose of engaging in theft, or breaking and entering any building, property, or automobile of another;

(D) For the purpose of injuring, destroying, molesting, or defacing any property of another;

(E) For the purpose of assaulting any person;

(F) For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable, or eleemosynary organizations with the authorization of such organizations; or

(G) For the purpose of selling, purchasing, trading, or otherwise exchanging, procuring, or making available illegal drugs or contraband.

(Prior Code, § 10-412) Penalty, see § 132.99

§ 132.35 CURFEW FOR MINORS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CUSTODIAN. Any person over the age of 21 years who is in loco parent to a minor.

GUARDIAN. Any person other than a parent who has legal guardianship of a minor.

MINOR. Any person under the age of 18 years.

PARENT. The natural or adoptive parent of a minor.

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

(1) The minor is accompanied by a parent, guardian, custodian, or other adult person having custody or control of such minor;

(2) The minor is on an emergency errand or specific business or activity directed or permitted by his or her 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:

- (a) Employment;
- (b) Trade;
- (c) Profession;
- (d) Occupation;
- (e) School;
- (f) Sports league; or
- (g) Governmentally sponsored or religious activity.

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

(D) It is unlawful for any parent, guardian, custodian, or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the town between the hours of curfew designated in division (B) above. 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 or her parent, guardian, custodian, or other adult having the care and custody of the minor; or
- (3) The parent, guardian, or other adult person herein has made a missing person notification to the Town Police Department or other law enforcement agency with jurisdiction.

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

(F) A parent, guardian, or custodian of such minor may file a written application directed to the Chief of Police of the town who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five consecutive days,

or in the alternative, two days of any week for a period not to exceed 30 days. All requests shall be filed with the Town Clerk/Treasurer.

(G) The Chief of Police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the Chief of Police, may file a request for hearing before the Judge of the Municipal Court of the town who shall summarily hear same, and his or her judgment shall be final.

(H) Any law enforcement officer who shall witness a violation of this section may take such offender into his or her custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in Court, or may place the minor in the custody of his or her parents or some responsible person.

(Prior Code, § 10-413) Penalty, see § 132.99

§ 132.36 SLEEPING IN PUBLIC.

(A) It is unlawful for any person, between the hours of 12:00 a.m. midnight and 5:00 a.m., to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

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

(Prior Code, § 10-414) Penalty, see § 132.99

§ 132.37 BEGGING PROHIBITED.

It is unlawful for any person to beg alms for any person, organization, or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

(Prior Code, § 10-415) Penalty, see § 132.99

§ 132.38 GAMBLING PROHIBITED.

(A) It is unlawful for any person, firm, or corporation, or agent or employee thereof, to do any of the following:

(1) To play, to open or cause to be opened, or to operate, carry on, or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage, or other game played with dice, cards, or any device, for money, checks, chips, credit, or any other thing of value;

(2) To set up, operate, or permit to be operated any slot machine or other device whatsoever where money, checks, chips, credit, or any other things of value are played, when the act of playing the same might result in a gain or loss to any party playing;

(3) To gamble knowingly in any other manner; or

(4) To knowingly permit his or her, 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.

(Prior Code, § 10-416) Penalty, see § 132.99

Statutory reference:

Authority to prohibit gambling, see 11 O.S. § 22-108

§ 132.39 BEING ABOUT A 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.

(Prior Code, § 10-417) Penalty, see § 132.99

§ 132.40 HARMFUL DECEPTION.

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

(Prior Code, § 10-418) Penalty, see § 132.99

§ 132.41 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 \$500 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 30 days after same is delivered and accepted.

(Prior Code, § 10-419) Penalty, see § 132.99

§ 132.42 SWINDLING UNLAWFUL.

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

(Prior Code, § 10-420) Penalty, see § 132.99

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

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. Includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains 0.5% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes ***INTOXICATING BEVERAGES*** and ***LOW POINT BEER*** as defined herein.

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

INTOXICATING BEVERAGE. Includes beverages containing more than 3.2% alcohol by weight.

LEGAL GUARDIAN.

(a) A person who, by Court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by the Court.

LOW POINT BEER. Includes beverages containing more than 1.5% alcohol by volume, and not more than 3.2% alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt, or similar products.

MINOR. Any person under 21 years of age.

PARENT. A person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

PREMISES. Any residence or other private property, place, or premises, including any commercial or business premises.

RESPONSE COSTS. The costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to:

(a) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s);

(b) The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;

(c) The cost of repairing any town equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and

(d) Any other allowable costs related to the enforcement of this section.

(B) *Consumption of alcohol by minors in a public place, place open to public, or place not open to public.* Except as permitted by state law, it is unlawful for any minor to:

(1) Consume at any public place or any place open to the public any alcoholic beverage; or

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

(C) *Hosting, permitting, or allowing a party, gathering, or event where minors consuming alcoholic beverages prohibited.*

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

(b) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in division (C)(1)(a) above.

(2) This division (C) shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

(3) Nothing in this division (C) should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

(4) Nothing in this division (C) should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

(D) *Licensed*. This section shall not apply to any premises licensed by the state to dispense alcoholic beverages.

(F) *Reservation of legal options*.

(1) Violations of this section may be prosecuted by the town criminally, civilly, and/or administratively as provided by this code of ordinances. The town may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law.

(2) This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the town's

ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

(Prior Code, § 10-421) Penalty, see § 132.99

§ 132.44 WINDOW PEEPING.

No person shall hide, wait, or otherwise loiter in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom, or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner.

(Prior Code, § 10-422) Penalty, see § 132.99

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

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

(Prior Code, § 10-423) Penalty, see § 132.99

§ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 132.05(A)(2) or (A)(3) shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed \$250. A person violating any other provision of § 132.05(A) may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed \$250.

(C) (1) Any person who violates § 132.25(A) shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than five days nor more than 30 days, or by both such fine and imprisonment.

(2) Any person who violates § 132.25(B) shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than five days nor more than 30 days, or by both such fine and imprisonment.

(3) (a) Any person who violates § 132.25(D)(1) shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

(b) Any person who violates § 132.25(D)(2) shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$400, plus costs.

(c) Any person who is in possession of marijuana in an amount not to exceed one and one-half ounces, as described in § 132.25(D)(3), who can state a medical condition but is not in possession of a state-issued medical marijuana license shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$400, plus costs.

(4) (a) Any person who violates § 132.25(E)(1) shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

(b) Any person who violates § 132.25(E)(2) shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

(Prior Code, § 10-401)

(D) Any person who shall violate the provisions of § 132.43 shall be deemed guilty of an offense against the town and upon conviction thereof shall be punished with fine not to exceed \$500, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment, plus all Court costs and statutory penalties, as set forth in these ordinances and as provided by state law.

(Prior Code, § 10-421)

(Ord 1160, passed 2-18-2020)

CHAPTER 133: OFFENSES AGAINST PROPERTY

Section

- 133.01 Theft and related offenses
- 133.02 Injuring automobiles and other vehicles
- 133.03 Destroying or injuring buildings and other property
- 133.04 Placing signs on property of another
- 133.05 Throwing or shooting at persons on property
- 133.06 Tampering with or damaging public utilities
- 133.07 Unlawful intrusion upon land
- 133.08 Illegal entrance
- 133.09 Throwing advertising on street prohibited
- 133.10 Throwing injurious substances
- 133.11 Injury to plants and trees
- 133.12 Public streets and trees
- 133.13 Trespass and related offenses
- 133.14 Parking on property of another
- 133.15 Interference with fire hydrants
- 133.16 False representation of age

§ 133.01 THEFT AND RELATED OFFENSES.

(A) *Petit larceny*. **PETIT LARCENY** is the taking of personal property of a value not exceeding \$500 accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the person of another. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor. Any written evidence of debt, and written order or promise for the payment of money or delivery of goods, public security, or passage ticket though the same has never been issued or delivered by the makers thereof to any person or purchaser, and any personal property are the subjects of larceny. Any fixture or part of realty, the instant it is severed from realty, becomes a personal property and when the same is of the value of \$500 or less, is the subject of larceny within the meaning of this section. One who finds lost property of the value of \$500 or less, under circumstances which give him or her knowledge or means of inquiry as to the true owner, and who appropriates such property to his or her own use, or to the use of another person who is not entitled thereto, without having first made such effort to find the owner and restore the property to him or her as the circumstances render reasonable and just, is guilty of larceny.

(B) *Larceny by false pretense.* Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm, or corporation any money, property, or valuable thing, of a value less than \$500, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of the misdemeanor of larceny by false pretense.

(C) *Possession of stolen property.* It is unlawful for any person to buy, receive, or bring into the municipality any property which he or she knows has been stolen.

(Prior Code, § 10-201) Penalty, see § 10.99

Statutory reference:

Larceny of fixtures severed from realty, see 21 O.S. § 1712

Larceny of lost property, see 21 O.S. § 1702

Obtaining or attempting to obtain property by trick or deception; false statements or pretenses; confidence game, see 21 O.S. § 1541.1

Petit larceny defined, see 21 O.S. §§ 1704, 1706

§ 133.02 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.

(Prior Code, § 10-202) Penalty, see § 10.99

§ 133.03 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.

(Prior Code, § 10-203) Penalty, see § 10.99

§ 133.04 PLACING SIGNS ON PROPERTY OF ANOTHER.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write, or print any sign, poster, picture, announcement, advertisement, bill placard, device, or inscription upon any public or

private real estate, building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

(Prior Code, § 10-204) Penalty, see § 10.99

§ 133.05 THROWING OR SHOOTING AT PERSONS ON 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 or she 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.

(Prior Code, § 10-205) Penalty, see § 10.99

§ 133.06 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

It is unlawful for any person to connect or attach any kind of pipe, wire, or other contrivance to any pipe, line, wire, or other conductor carrying gas, water, sewer, or electricity and belonging to a utility company (whether publicly or privately owned), in such a manner as to enable him or her to consume or use the gas, water, sewer, or electricity without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any utility company's property, including any telegraph or telephone system.

(Prior Code, § 10-206) Penalty, see § 10.99

§ 133.07 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.

(Prior Code, § 10-207) Penalty, see § 10.99

§ 133.08 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. (Prior Code, § 10-208) Penalty, see § 10.99

Cross-reference:

Trespass, see § 133.13

§ 133.09 THROWING ADVERTISING ON STREET PROHIBITED.

It is unlawful for any person to throw, leave, or deposit, or cause to be thrown, left, or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter. (Prior Code, § 10-209) Penalty, see § 10.99

Cross-reference:

For provision prohibiting placing signs on property of another without consent, see § 133.04

§ 133.10 THROWING INJURIOUS SUBSTANCES.

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

(Prior Code, § 10-210) Penalty, see § 10.99

§ 133.11 INJURY TO PLANTS AND TREES.

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

(B) Any person violating this section, upon conviction, shall be deemed guilty of an offense. (Prior Code, § 10-211) Penalty, see § 10.99

§ 133.12 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

(A) Willfully or wantonly cut, deface, or in any way injure any tree or sapling standing or growing in any of the streets, alleys, or public places within the town;

(B) Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;

(C) Dig any hole, ditch, or trench in any public street, road, avenue, or alley, or any other public premises or ground within, belonging to, or under the supervision or control of the town; and/or

(D) Take or remove any dirt, earth, or any substance from any street, road, alley, or other public place in the town; or to cut, break, or otherwise injure any pavement, curb, or gutter therein, or connect any driveway to any street or other public place without first securing permission from the town inspector so to do. Any such digging, removing, or driveway connection shall be done under the supervision of the Town Manager or his or her designee.

(Prior Code, § 10-212)

§ 133.13 TRESPASS AND RELATED OFFENSES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE PROPERTY. Any property other than public property.

PUBLIC PROPERTY. The property which is dedicated to public use and over which the federal, state, or municipal government or any subdivision thereof exercises control.

TRESPASS. Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. **TRESPASS** shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. **TRESPASS** shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his or her agent, or employee, or after having been directed to do so by a police officer. **TRESPASS** shall also mean the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this section. The provisions of this definition shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises.

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

(C) Other violations shall include:

(1) In addition to the acts specified in the definition of **TRESPASS** in division (A) above, any of the following acts by any person shall be deemed a violation of this section:

(a) The doing of an injury or misfeasance to the person of another;

(b) The doing of any injury or misfeasance to the property of another when done with force or violence, either actual or implied;

(c) Each and every actual entry upon the premises of an owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;

(d) An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;

(e) An entry upon the premises, or any part thereof, of another in violation of any notice, warning, or protest given orally or in writing by any owner or other lawful occupant thereof;

(f) An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;

(g) If on the property of another, or upon public property, a failure or refusal to depart in the case of being requested to so depart, orally or written, by any owner or lawful occupant;

(h) An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment, or device where such use is specifically prohibited;

(i) Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by an owner, lawful occupant, or by a police officer;

(j) Remaining on or entering public or private property in violation of any trespass warning given in writing by a town official, the operation of a trespass warning to be as follows:

"TRESPASS WARNING

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

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

(B) The owner, manager, or other person having control of any business, retail, industrial or commercial property or an authorized employee of the owner, manger, or other person having control of any business, retail, industrial, or commercial property.

(C) The Town Manager, Mayor, or any Talala Police Officer in regards to any property owned or controlled by the Town of Talala.

(2) The Trespass Warning shall list:

(A) The name of the person being warned.

(B) The date Trespass Warning was served to the person being warned.

(C) The name and signature of the property owner or person with control of the property or designee and the date said person authorized the warning.

(D) The signature of the issuing officer.

(E) The description, name, or address of the property for which the Trespass Warning is issued.

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

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

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

(A) Reasonable suspicion exists that person being warned has committed a violation of any local, state, or federal law while upon the property, whether or not an arrest was made or offense was prosecuted.

(B) The person being warned was intoxicated or under the influence of drugs upon the property.

(C) The person being warned was asked to leave the property by person(s) with authority over the property, but did not leave or returned after being asked to leave.

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

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

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

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

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

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

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

(Prior Code, § 10-213)

Cross-reference:

For provisions on illegal entrance, see § 133.08

§ 133.14 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.

(Prior Code, § 10-214) Penalty, see § 10.99

§ 133.15 INTERFERENCE WITH FIRE HYDRANTS.

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

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

(Prior Code, § 10-215) Penalty, see § 10.99

§ 133.16 FALSE REPRESENTATION OF AGE.

No person shall for the purpose of violating any statutes of the state or any ordinances of the town, willfully and knowingly misrepresent his or her age by presenting a false document purporting to state his or her true age or by presenting a document not his or her own; and any person doing so shall be in violation of these ordinances and subject to penalty pursuant to § 10.99.

(Prior Code, § 10-216) Penalty, see § 10.99

