

**TITLE XIII**  
**GENERAL OFFENSES**

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**GENERAL OFFENSES**

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## **SECTION 130.001    ATTEMPTS TO COMMIT AN OFFENSE**

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

## **SECTION 130.002    AIDING IN AN OFFENSE**

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

## **SECTION 130.003    ADOPTION OF STATE MISDEMEANOR CODE**

- A. The Oklahoma Statutes designating and naming certain crimes and offenses (which are not classified as felonies) are hereby adopted by reference as if set out at length in this Section. Nothing in this Division A. shall be construed to adopt or punish any felony.

- B. It shall be unlawful for any person to violate any of the Statutes adopted by reference in Division A. above.

**SECTION 130.015 PETIT LARCENY PROHIBITED**

- A. Petit larceny is the taking of personal property of value not exceeding Fifty Dollars (\$50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of the property from the “person” of another.
- B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

*Statutory reference: Petit larceny defined, see 21 O.S. " 1704 and 1706*

**SECTION 130.016 RECEIVING STOLEN PROPERTY**

It is unlawful for any person to buy, receive, or bring into the City any property which he or she knows has been stolen.

**SECTION 130.017 INJURING AUTOMOBILES AND OTHER VEHICLES**

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

**SECTION 130.018 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 property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any property by its owner or any other person entitled to its use.

**SECTION 130.019 PLACING SIGNS ON PROPERTY OF ANOTHER**

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

**SECTION 130.020 THROWING OR SHOOTING AT PERSONS OR PROPERTY**

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

#### **SECTION 130.021    TAMPERING WITH OR DAMAGING PUBLIC UTILITIES**

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

#### **SECTION 130.022    UNLAWFUL INTRUSION UPON LAND**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the City without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty, or other structure without the license or authority, or to place, erect, or occupy within the bounds of any street, alley, or avenue of the City, any hut, shanty, hovel, or other structure without authority of law or Ordinance.

#### **SECTION 130.023    ILLEGAL ENTRANCE**

It is illegal for any person to enter upon the property of another or into an area or structure on the property (whether the property, area, or structure is public or private), when the entrance is plainly forbidden by signs or otherwise or when the property, area, or structure is enclosed, except when the 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.

#### **SECTION 130.024    THROWING ADVERTISING ON STREET PROHIBITED**

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

#### **SECTION 130.025    THROWING INJURIOUS SUBSTANCES**

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

#### **SECTION 130.026    INJURY TO PLANTS AND TREES**

It is unlawful for any person to willfully and without authority cut, pull, pluck, or otherwise injure any flowers, flowering plants, shrubs, or trees growing in or around any park or public street within

the City, 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 the park or ground.

#### **SECTION 130.027 PUBLIC STREETS AND TREES**

- A. It is unlawful for any person to:
1. Willfully or wantonly cut, deface, or in any way injure any tree or sapling standing or growing in any of the streets, alleys, or public places within the City;
  2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
  3. Dig any hole, ditch, or trench in any public street, road, avenue, or alley, or any other public premises or ground within, belonging to or under the supervision or control of the City;
  4. Take or remove any dirt, earth, or any substance from any street, road, alley, or other public place in the City; or to cut, break, or otherwise injure any pavement, curb, or gutter therein;
  5. Connect any driveway to any street or other public place without first securing permission from the City Inspector so to do.
- B. Any digging, removing, or driveway connection shall be done under the supervision of the Street Superintendent or City Engineer.

#### **SECTION 130.028 TRESPASS PROHIBITED**

- 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.*** That 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 be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate the premises by a police officer, or owner;

provided the provisions of this sentence shall not apply to persons, including employees, whose presence on such is authorized by the owner or by a person in lawful possession of the premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon the premises. **TRESPASS** shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate the premises under the terms of this Division A.

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

#### **SECTION 130.029 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 thereof, or when necessary in the performance of a duty, or otherwise by authority of law or Ordinance.

#### **SECTION 130.030 INTERFERENCE WITH FIRE HYDRANTS**

- A. It is unlawful for any person except one duly authorized by the City Utility Superintendent or a member of the Fire Department, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the City.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt, or other thing, or in any other manner obstructing access to a fire hydrant.

#### **SECTION 130.045 OBSTRUCTION OF STREETS OR SIDEWALKS**

It is unlawful for any person to obstruct a street or sidewalk of the City by intentionally or in a criminally negligent manner placing anything, or performing any act, on any sidewalk, road, street, or public way which will render movement thereon more difficult or which will interfere with the free and uninterrupted use of the street or sidewalk.

#### **SECTION 130.046 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 two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward the acts, or otherwise assembling unlawfully or riotously;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
8. Making unnecessarily loud, offensive noises;
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

#### **SECTION 130.047 INSULTING SIGNS, LITERATURE, OR LANGUAGE**

- A. It shall be unlawful for any person, firm, or corporation within the City to display any sign, emblem, badge, flag, or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the City, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.
- B. It is unlawful for any person to willfully use, utter, publish, circulate, or distribute any profane, violent, abusive, or insulting language or literature where:
  1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
  2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

#### **SECTION 130.048 LITERATURE OR LANGUAGE RIDICULING RELIGION**

It shall be unlawful for any person to utter, publish, distribute, or circulate any literature or

language within the corporate limits of the City that casts profane ridicule on any deity, or any religion, which in its common acceptance is calculated or where the natural consequence is to cause a breach of the peace or an assault.

#### **SECTION 130.049    FIREWORKS REGULATED**

- A.     It is unlawful for any person, firm, or corporation to manufacture, sell, or discharge any fireworks within the City limits of the City. The provisions of the City's fire prevention Code on fireworks are hereby specifically reaffirmed.
- B.     The provisions of this Section shall not be construed to prohibit the presentation of supervised public displays of fireworks as authorized by the City's fire prevention Code.

**Statutory reference:** Bottle rockets prohibited, see 68 O.S. ' 1624 State fireworks licenses required, see 68 O.S. " 1621 et seq.

#### **SECTION 130.050    STORING OR KEEPING EXPLOSIVES**

It is unlawful for any person to store or keep within the City any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in quantities of not to exceed five (5) pounds where the same is securely kept.

#### **SECTION 130.051    CARRYING WEAPONS; EXCEPTIONS**

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

**Statutory reference:** State Firearms Act, see 21 O.S. " 2189.1 et seq.

#### **SECTION 130.052    RECKLESS CONDUCT**

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

#### **SECTION 130.053    DISCHARGING FIREARMS; EXCEPTIONS**

No person shall discharge any species of firearm, air guns or rifle or BB gun in the City except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by law or Ordinance.

**Statutory reference:** State Firearms Act, see 21 O.S. " 2189.1 et seq.

#### **SECTION 130.054    LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND**

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

#### **SECTION 130.055    ADVERTISING ON RIGHTS-OF-WAY**

- A. A sign is defined as any sign, poster or placard printed, painted, made or designed for advertising, pointing attention to an event or function whether public or private, any sale, public notice, and political advertising for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, State or Federal Government, or any subdivision thereof.
- B. Signs shall not be placed in the street right-of-way or easements and shall not be placed or otherwise affixed to any utility pole, or utility structure, or any tree or traffic control device or warning sign located in the street right-of-way or easements.
- C. All signs shall be removed within twenty-four (24) hours of the conclusion of the event described in the sign, except that any political sign shall be removed within fifteen (15) days after the close of the election, or in the event of an election that is leading up to a general election, then within fifteen (15) days after the close of that general election.
- D. Any advertising sign erected, placed, or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected placed or displayed in violation of the provisions hereof, and such sign may be removed and destroyed by any person.

#### **SECTION 130.056    WHEN DANCES MAY NOT BE HELD**

No public dance shall be held within the City in any public place located therein, or any private place which is open to the public located therein, or any private place which is open to the public, between the hours of 1:01 A.M. and 9:00 A.M. on Monday, Tuesday, Wednesday, Thursday, and Friday; between the hours of 2:00 A.M. and 9:00 A.M. on Saturday; nor at any time after 2:01 A.M. on Sunday.

#### **SECTION 130.070    PUBLIC INTOXICATION AND DRINKING PROHIBITED**

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the City in a State of intoxication. It is unlawful for any person to drink intoxicating liquor or beverage upon or in any street, alley, or other public place within the City. It is unlawful to use, sell, or furnish to another any illegal drug or narcotic in any place in the City except as legally prescribed by a physician.

- B. For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***STATE OF INTOXICATION.*** The condition in which a person is under the influence of any intoxicating, spirituous, vinous or malt liquors, or of any narcotic, to the extent as to deprive the person of his or her full physical or mental power.

**SECTION 130.071 POSSESSION, TRANSPORTATION OF NONINTOXICATING BEVERAGES**

- A. It is unlawful for any minor to be in possession of any nonintoxicating alcoholic beverage or beer while the person is upon any public street, road, or highway or in any public place within the City limits.
- B. It is unlawful for any parent or guardian of a minor to permit the person to be in possession of a nonintoxicating alcoholic beverage or beer.
- C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street, or alley any nonintoxicating beverage or beer 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, nonintoxicating beverage or beer shall be as defined by 37 O.S. ' 163.2.

**SECTION 130.072 INTOXICATING LIQUORS**

It is unlawful:

- A. For any person to barter, sell, give away, or otherwise furnish to another any intoxicating liquor or beverage of any kind except as permitted by law;
- B. To have in possession or under control any intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the City any intoxicating liquor or beverage except as permitted by law;
- C. To loiter in a place where 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 liquor is sold, bartered, given away, or otherwise furnished in violation of law.

### **SECTION 130.073    NARCOTICS AND CONTROLLED DANGEROUS SUBSTANCES**

It is unlawful for any person:

- A. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of a controlled dangerous substance or narcotic;
- B. To use, have, or possess a controlled dangerous substance or narcotic upon or in any street, alley, place of business, or other public place within the City;
- C. To use a controlled dangerous substance or narcotic in any place within the City except as legally prescribed by a physician licensed to practice in the State;
- D. To loiter about a place where a controlled dangerous substance or narcotic is sold or furnished illegally;
- E. To sell or furnish illegally to another person a controlled dangerous substance or narcotic;
- F. To use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act (63 O.S. " 2-101 *et seq.*) except those persons holding an un-revoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine, or pharmacy; and/or
- G. To deliver, possess, or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act (63 O.S. " 2-101 *et seq.*).

### **SECTION 130.074    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;

6. Accept or receive the proceeds of any act of prostitution; and/or
  7. Be a party to an act of prostitution or solicitation of prostitution.
- 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 LEWDNESS.*** The granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of lewdness or allowing the continued use of the premises with that knowledge.
- 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 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.

#### **SECTION 130.075 DISORDERLY HOUSE**

- A. *Generally.* 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.
- B. *Specifically.*
1. The sale, distribution, possession, or use of any controlled dangerous substance, the sale, distribution, possession, or use of which is declared unlawful by State statute;
  2. The violation of any of the Ordinances of this City or statutes of this State regulating the sale, distribution, possession, or use of alcoholic beverages;
  3. The performance of any sexual act declared unlawful by State statute or City Ordinance including, but not limited to, soliciting for purposes of prostitution; and/or
  4. The violation of any State statute or City Ordinance prohibiting gambling.

#### **SECTION 130.076 MAINTAINING OR LEASING DISORDERLY HOUSE**

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall

knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that the 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 the premises as a disorderly house.

#### **SECTION 130.077 RESIDENTS AND VISITORS TO DISORDERLY HOUSE**

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this Section, the City shall have the burden to prove the knowledge by direct evidence only and not by circumstantial evidence. This Section shall not apply to physicians or officers in the discharge of their professional or official duties.

#### **SECTION 130.078 NUDITY; IMPROPER DRESS; INDECENT EXPOSURE**

It is unlawful for any person to:

- A. Appear in any public place in the City in a State of nudity;
- B. Appear in any public place in the City in any offensive, indecent, or lewd dress; or
- C. Make an indecent public exposure of his or her person.

#### **SECTION 130.079 DEFINITIONS FOR OBSCENITY REGULATIONS**

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.*** That to the average person applying contemporary community standards:

1. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;
2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by 21 O.S. " 1021 *et seq.*; 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, hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining.

### **SECTION 130.080 PROHIBITED OBSCENE CONDUCT**

It shall be unlawful for any person to:

- A. Knowingly disseminate, distribute, or make available to the public any obscene material;
- B. 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 the commerce primarily on the basis of their prurient appeal;
- C. Knowingly engage or participate in any obscene performance made available to the public; or
- D. Provide service to patrons in such a manner as to expose to public view:
  1. His or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
  2. Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
  3. Any portion of the female breast at or below the areola thereof; or
  4. Knowingly promote the commission of any of the above listed unlawful acts.



**SECTION 130.081 VAGRANCY DEFINED FOR SPECIFIC ACTS**

- A. It is unlawful to be a vagrant in the limits of the City.
- B. For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***VAGRANT.*** 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 the organizations; or
- g. For the purpose of selling, purchasing, trading, or otherwise exchanging, procuring, or making available illegal drugs or contraband.

**SECTION 130.082 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 twenty-one (21) years who is in loco parentis to a minor.

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

***MINOR.*** Any person under the age of sixteen (16).

***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 to remain, wander, stroll, or play in any public place on foot or to cruise about without a set destination in any vehicle in, about, or upon any public place in the City between the hours of 11:00 P.M. and 6:00 A.M. on any day unless:
1. The minor is accompanied by a parent, guardian, custodian, or other adult person having custody or control of the 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 the minor is connected with or required by some legitimate employment, trade, profession, or occupation.
- C. It is unlawful for any person, firm, or corporation operating 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 the person to be on any public place within the City 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 City Police Department.
- E. The Council may permit by resolution or motion procedures for advance notice or registration with the City of special events or functions sponsored by churches, schools, clubs, or other organizations which require minors to be out at a later time. The Council may also prescribe the procedures for taking into custody minors found in violation of this Section.

### **SECTION 130.083 SLEEPING ON THE STREETS**

- A. It is unlawful for any person, between the hours of 12:00 A.M. and sunrise, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of the place.
- B. It shall be prohibited to reside or permit any individual to reside on private property within the City Limits of the City of Pawhuska except within a dwelling, hotel, or other transient lodging which is connected to water, sewer, and electrical services.
- C. The provisions of this Section shall not apply to temporary camping in the back yard by the primary residents of a dwelling for recreational purposes.
- D. When used in this section:

Dwelling shall mean any building or portion thereof designed or used as a residence of one (1) or more persons, but not including a tent, recreational trailer, camper, or shed.

Reside shall mean to inhabit upon one (1) or more places within the City Limits of the City of Pawhuska for more than thirty (30) days within a one-year period.

### **SECTION 130.084 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 1 of whose purposes is to aid persons in need.

### **SECTION 130.085 GAMBLING PROHIBITED**

- A. It is unlawful for any person, firm, or corporation, or agent or employee thereof, to do any of the following:
  - 1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit, or any other thing of value;
  - 2. To set up, operate, or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit, or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;
  - 3. To gamble knowingly in any other manner; and/or
  - 4. To knowingly permit his or her or its premises, houses, lot, or other property to be

used in connection with, or for, any act declared unlawful in this Section.

- B. It is unlawful and an offense against the City 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.

**Statutory reference:** Authority to prohibit gambling, see 11 O.S. ' 22-108

**SECTION 130.086 LOITERING ABOUT PLACE WHERE GAMBLING IS GOING ON**

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

**SECTION 130.087 HARMFUL DECEPTION**

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

**SECTION 130.088 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 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, the bank or other depository. The maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within one hundred and eighty (180) days after same is delivered and accepted.

**SECTION 130.089 POSSESSION OF DRUG PARAPHERNALIA**

Except as otherwise provided by the Uniform Controlled Dangerous Substances Act of the State of Oklahoma, it shall be unlawful for any person to possess drug paraphernalia. All of the provisions of the Uniform Controlled Dangerous Substances Act of the State of Oklahoma and Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, pertaining to drug paraphernalia and the factors used in determining whether an object is drug paraphernalia are hereby adopted by reference and made a part of this Section.

**SECTION 130.090 LOITERING**

- A. A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for

the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this Section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

- B. It shall be unlawful for any person, after first being warned by a police officer, or where a “no loitering” sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.
- C. For the purpose of this Section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

#### **SECTION 130.091 TOBACCO USE IN CITY PARKS PROHIBITED**

- A. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children and sets an unhealthy example for the City’s youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City-owned parks and recreation areas. The use of tobacco in any form shall also be prohibited in and around all public restrooms and storm shelters located within the City, City-owned parks and in and around all parking lots adjacent to City-owned parks and recreation areas. However, this provision of this Section shall not be applicable to Bluestem Lake and the recreational areas surrounding Bluestem Lake.
- B. For purposes of this Section, a **CITY-OWNED PARK OR RECREATION AREA** shall be defined as any parcel of open land which is owned by the City and used for recreational purposes, including all walking and bicycle trails and parks, playgrounds, skate parks and splash pads.
- C. Any person who knowingly violates this Section is guilty of a misdemeanor upon conviction thereof, shall be punished by imposition of a fine of not less than Fifty Dollars

(\$50.00) nor more than Two Hundred Dollars (\$200.00), excluding costs, fees and assessments.

## **SECTION 130.092 SMOKING IN PUBLIC**

### ***A. Smoking in public places and indoor workplaces.***

1. It is the intent of the City Council to provide through this Section and, consistent with the provisions of 21 O.S. ' 1247, and as expressed hereafter in this Section, to protect the public health and welfare by prohibiting smoking in public places and indoor workplaces.
2. For the purposes of this Section, the following terms and phrases shall have the meanings ascribed to them in this Division, except where the context clearly indicates a different meaning:

***ELECTRONIC SMOKING DEVICE.*** Any electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. ***ELECTRONIC SMOKING DEVICE*** includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

***INDOOR WORKPLACE.*** Any indoor place of employment or employment type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this Section shall apply to such indoor workplace at any given time, whether or not work is being performed.

***PUBLIC PLACE.*** Any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public.

***RESTAURANT.*** Any eating establishment regardless of seating capacity.

***SMOKING.*** The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

***STAND ALONE BAR, STAND ALONE TAVERN, AND CIGAR BAR.*** An establishment that derives more than sixty percent (60%) of its gross receipts, subject to

verification by competent authority, from the sale of alcoholic beverages and low point beer and no person under twenty-one (21) years of age is admitted, except for members of a musical band employed or hired as provided in 37 O.S. ' 537B.2., and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

B. *Possession of lighted tobacco in certain places prohibited.*

1. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.
2. All buildings, or portions thereof, owned or operated by this State shall be designated as nonsmoking; provided, however, each building may have one (1) designated smoking room. As used in this Division, **BUILDINGS** shall not include up to twenty-five (25%) of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.
3. All buildings, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking or may be designated as nonsmoking with 1 designated smoking room.
4. A smoking room as provided for in Divisions (B)(2) and (B)(3) of this Section:
  - a. Shall not be used for the conduct of public business;
  - b. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No smoking exhaust shall be located within twenty-five (25) feet of any entrance, exit or air intake; and
  - c. Shall be verified for compliance with the provisions of this Division by the Department of Central Services for State Buildings, by a county entity designated by the Board of County Commissioners for County Buildings, or by the City chief administrative officer or other designated employee for City buildings.
5. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in Division (B)(2) or (B)(3) of this Section.

C. *Exemptions.*

1. The restrictions provided in Division (B) of this Section shall not apply to the following:

- a. Stand-alone bars, stand-alone taverns and cigar bars;
- b. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- c. Up to twenty-five percent (25%) of the guestrooms at a hotel or other lodging establishment;
- d. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- e. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. ***INCIDENTAL PUBLIC ACCESS*** means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- f. Workplaces occupied exclusively by one (1) or more smokers, if the workplace has only incidental public access;
- g. Private offices occupied exclusively by one (1) or more smokers;
- h. Private residences and workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- i. Medical research or treatment centers, if smoking is integral to the research or treatment;
- j. A facility operated by a post or organization of past or present members of the armed forces of the United States which is exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Sections 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and
- k. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.



D. *Designated smoking rooms and areas.*

1. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within 15 feet of any entrance, exit or air intake.
2. If smoking is to be permitted in any space exempted in Division C. of this Section or in a smoking room pursuant to Division (D)(1) of this Section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
3. Notwithstanding any other provision of this Section, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverages may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this Division by the State Department of Health.

E. *Tobacco use in City parks prohibited.*

1. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children and sets an unhealthy example for the City's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all City owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms located in City owned parks, and in and around all parking lots adjacent to City owned parks.
2. For purposes of this Section, a **CITY OWNED PARK** shall be defined as any parcel of open land which is owned by the City and used for recreational activities, including all walking and bicycle trails, golf courses, ball fields, skate parks, and other fields or facilities used for sporting events.
3. Any person who knowingly violates this Section is guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with the penalty

provisions of Division G. of this Section.

F. *Posting.*

1. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke free or tobacco free.
2. Responsibility for posting signs or decals shall be as follows:
  - a. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
  - b. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
  - c. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

G. *Violation and penalty.* Any person who knowingly violates this Section is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

H. *Enforcement.* The State or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

1. Post signs at entrances to places where smoking is prohibited which State that smoking is prohibited or that the indoor environment is free of tobacco smoke; and
2. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Section.

**SECTION 130.100 ASSAULT AND BATTERY PROHIBITED**

- A. It is unlawful to commit an assault or an assault and battery within the City.
- B. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASSAULT.** Any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

**BATTERY.** Any willful and unlawful use of force or violence upon the person of another.

### **SECTION 130.115 RESISTING AN OFFICER**

- A. It is unlawful to resist, oppose, or assault, or in any way interfere with the Police Chief or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his or her official duties within the limits of the City.
- B. It is unlawful for any person to warn or signal another so as to assist the 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. For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***OBSTRUCTION OF.*** Shall, in addition to their common meaning, include:

- a. Flight by one (1) sought to be arrested before the arresting officer can restrain him or her and after notice is given that he or she is under arrest;
- b. 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
- c. Refusal by the arrested party to give his or her name and make his or her identity known to the arresting officer.

### **SECTION 130.116 REFUSING OR FAILING TO ASSIST AN OFFICER**

- A. An officer of the City 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 City 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 the arrest, executing the process or suppressing the riot, affray, or unlawful assembly.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the City to refuse or fail to do so.

**SECTION 130.117    ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICERS**

It is unlawful for any person, without justifiable or excusable cause, 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.

**SECTION 130.118    RESCUING PRISONERS**

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

**SECTION 130.119    ESCAPE OF PRISONERS**

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

**SECTION 130.120    IMPERSONATING AN OFFICER OR EMPLOYEE**

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

**SECTION 130.121    FALSE ALARMS**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the Fire Department or Police Department or any officer or employee thereof with reference to any fire alarm or reported fire, accident, or other emergency or knowingly to cause the Fire Department or Police Department or its officers or employees to make a useless run.

**SECTION 130.122    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 City government in any official application to, or official dealing or negotiation with, the officer or agency; or to commit perjury before any tribunal or officer of the City.

**SECTION 130.123    REMOVAL OF BARRICADES**

It is unlawful for any person except by proper authority to remove any barricade or obstruction

placed by authority of the City to keep traffic off any pavement, street, curb, sidewalk, or other area.

#### **SECTION 130.124 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 City 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 the officer or employee is in the discharge of his or her official duties.

#### **SECTION 130.125 JAIL LOITERING, TALKING TO PRISONER, ARTICLES OF ESCAPE**

It shall be unlawful for any person within the City to:

- A. Loiter around any jail or other house of detention where any prisoner or prisoners are incarcerated;
- B. Attempt, without permission of the proper officer, to communicate with or pass any article to any prisoner confined therein; and/or
- C. Convey into the jail or house of detention, in any manner, any article useful in facilitating the escape of any prisoner.

#### **SECTION 130.126 MARIJUANA**

- A. **Adoption of State Statutes and Rules.** The City of Pawhuska hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, and any amendments thereto. Further, the City of Pawhuska hereby adopts by reference the final rules for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code, and any amendments thereto.
- B. **Cultivation of Marijuana for Personal Medical Use.** A person in possession of a State issued medical marijuana patient license or caregiver license shall be able to legally possess marijuana on their person and in their legally zoned and occupied full-time permanent private residence, and cultivate marijuana for personal medical use, in

quantities as allowed by applicable Oklahoma Statutes and Rules. The following regulations shall apply to the cultivation of medical marijuana for personal use as an accessory use within the City of Pawhuska:

1. All homegrown medical marijuana plants shall be grown in such a manner to be accessible only to the patient or caregiver.
  2. If grown outdoors, plants shall be enclosed on all sides by an opaque fence or wall with a minimum height of six (6) feet and shall be secured at all times with a commercial quality lock and key that is accessible only to the patient or caregiver.
  3. No marijuana plants, whether grown indoors or outdoors, shall be visible from any street or public right-of-way.
  4. All indoor or outdoor areas used for medical marijuana growth shall comply with all applicable Codes as adopted by the City of Pawhuska.
  5. The primary use of the residential property in which marijuana is grown for personal medical use shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress.
- C. **Restriction on Smoking of Medical Marijuana Products.** Smoking of medical marijuana products shall be restricted as set forth in Title 63 of the Oklahoma Statutes, Section 1-1521 et. seq., commonly referred to as the “Smoking in Public Places and Indoor Workplaces Act”.
- D. **Public Intoxication Prohibited.** Any person who shall be under the influence of medical marijuana or any other medical marijuana product at a level that presents a danger to others or creates a disturbance of the peace in or upon any public or private road, in any vehicle, any public place or building, at any public gathering, place accessible to the public or open to being viewed by others, shall be guilty of an offense.
- E. **Medical Marijuana Waste Disposal.** All medical marijuana waste shall be stored, managed, and disposed of in accordance with all applicable local and State Statutes and rules.
- F. **Non-Medical Marijuana.** The possession, use, cultivation, distribution, or transportation, including growing, manufacturing, extracting, or delivering of any marijuana or marijuana derived product, with the exception of those products defined in 63 O.S. § 2-101 (23), in any form by any person or establishment, unless otherwise licensed by the State of Oklahoma for medical purposes and verified by possession of a State issued medical marijuana license, shall be illegal within the City of Pawhuska and regulated pursuant to the Uniform Controlled Dangerous Substances Act of the State of Oklahoma, hereby adopted by reference.
- G. **Possession of Drug Paraphernalia.** Except as otherwise provided by the Uniform

Controlled Dangerous Substances Act of the State of Oklahoma and Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning medical marijuana, it shall be unlawful for any person to possess drug paraphernalia.

H. **City Property.** Smoking or using marijuana shall be prohibited on all City property including vehicles, buildings, parks or other facilities.

I. **Marijuana Clubs.** Marijuana Clubs are not allowed, as provided below, to wit:

1. It is unlawful for any person to conduct or maintain a marijuana club by himself or herself or by associating with others, or in any manner aid, assist, or abet in conducting or maintaining a marijuana club.
2. It is unlawful for any person to conduct or maintain a public place where marijuana is held or stored, except as provided for a licensee under State law, or where consumption of marijuana is permitted.
3. Any person who violates this Section is guilty of a misdemeanor felony punishable by a fine of Five Hundred Dollars (\$500.00).
4. The following definitions apply throughout this Section unless the context clearly requires otherwise:
  - a. “Marijuana club” means a club, association, or other business, for profit or otherwise, that conducts or maintains a premise for the primary or incidental purpose of providing a location where members or other persons may keep or consume marijuana.
  - b. “Public place” means any place to which admission is charged or for which any pecuniary gain is realized by the owner or operator of such place.

#### **SECTION 130.999 PENALTY**

Any violation of the provisions of this chapter is punishable by fine or imprisonment as provided in Section 10.99.