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CHAPTER 1

OFFENSES IN GENERAL

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SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

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

SECTION 10-102 AIDING IN AN OFFENSE.

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

SECTION 10-103 ADOPTION OF STATE CRIMINAL CODE.

The provisions of the state criminal code, Title 21 of the Oklahoma statutes as amended, 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. (Added 1991)

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SECTION 10-201 PETIT LARCENY PROHIBITED.

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

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

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

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES.

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

SECTION 10-203 DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.

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

the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

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

SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

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

SECTION 10-207 UNLAWFUL INTRUSION UPON LAND.

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

SECTION 10-208 ILLEGAL ENTRANCE.

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

or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

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

SECTION 10-209 THROWING ADVERTISING ON STREET, PROHIBITED.

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

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

SECTION 10-210 THROWING INJURIOUS SUBSTANCES.

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

SECTION 10-211 INJURY TO PLANTS AND TREES.

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

SECTION 10-212 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the town;
2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;

3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the town;

4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or

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

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or town engineer.

SECTION 10-213 TRESPASS PROHIBITED.

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

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

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

3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

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

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

SECTION 10-214 PARKING ON PROPERTY OF ANOTHER.

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

SECTION 10-215 INTERFERENCE WITH FIRE HYDRANTS.

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

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

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SECTION 10-301 DISTURBING THE PEACE.

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

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

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
2. Appearing in an intoxicated condition;
3. Engaging in a fistic encounter;
4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or person either in anger or otherwise;
6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

8. Making unnecessarily loud, offensive noises;
9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

SECTION 10-302 INSULTING SIGNS: LITERATURE OR LANGUAGE.

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

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

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or
2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

SECTION 10-303 FIREWORKS REGULATED.

The purchase, sale, offering for sale, giving away, use, discharge, shooting, setting off, exploding, detonating or possession of fireworks within the corporate limits of the town is hereby prohibited, except as provided herein, to wit:

1. The retail sale of Class C fireworks (as same as defined by Section 1622(a) (1) of Title 68 of the Oklahoma Statutes) shall be permitted in those areas of the town to either side of Highway 51-B;
2. The sale of fireworks shall be made from a free-standing structure which in all cases shall be located no less than one hundred (100) feet from any structure owned by a third party. The structure shall be II rigid structure, the sale of fireworks from tents or nonrigid structures being expressly forbidden;

3. A sales clerk must be on duty to serve the consumer at the time of purchase. All fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Entry within those structures aforementioned shall be forbidden to the public;

4. Such sales shall not be made before June 15 or after July 6 of each year. Hours of permitted sale shall be from 8:00 AM. to 12:00 midnight each day during which sales are permitted;

5. The retail license holder, as set out below, shall be at least eighteen (18) years of age;

6. The following license fee shall be due and payable on or before June 5 of each year beginning June 5, 1994, to the town. Any such person operating a retail location where fireworks are sold as permitted herein shall be required to purchase a retail fireworks license. The retail license fee shall be in the amount set by the town and may be purchased from the town clerk. Upon application for the license, applicant shall provide the town clerk with the location of the retail outlet, proof of age of applicant, evidence of all licenses required under state law and an affidavit signed by the applicant stating that he has read this section, will comply with same, will comply with all applicable state and federal laws and regulations pertaining to the sale of fireworks and will comply with such regulations as the town shall reasonably require for the protection and benefit of the general public; and

7. Failure to comply with the foregoing provisions or violation thereof shall constitute a criminal offense against the town and is punishable as provided by ordinance. Each separate day the provisions are violated shall constitute a separate and distinct offense. (Amended 1993)

8. Persons within the city limits may use or discharge permissible firework from 9:00 o'clock a.m. to 10:00 o'clock p.m. each day fireworks are permissible except on July 4th, fireworks may be discharged from 9:00 o'clock a.m. until 12:00 o'clock a.m. Discharge of fireworks is permissible from June 15th, each year to July 5th, each year, or as may be otherwise set by the Mayor or his designee as follows:

a. Fireworks must be discharged on a noncombustible surface of sufficient size to contain the entire ground portion of the display and not closer the 25 feet to any permanent structure.

b. Persons discharging fireworks are responsible for the cleanup of debris caused by the discharging of fireworks.

c. Private persons may not use or discharge fireworks within any city park, nor on any state highway or street that is in excess of 26 feet wide.

d. No fireworks may be discharged during a bum ban as declared by State or County Authority.

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

Cross Reference: Fire Prevention Code, Section 3-101.

Ed. Note: Annual retail license fee is \$10.00 as set in 1993.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES.

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

SECTION 10-305 CARRYING WEAPONS EXCEPTIONS

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

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

SECTION 10-306 RECKLESS CONDUCT.

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

SECTION 10-307 DISCHARGING FIREARMS: EXCEPTIONS.

No person shall discharge any species of firearm, in the town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun in the town.

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

SECTION 10-308 LOUD NOISE OR MUSIC PROHIBITED: AMPLIED SOUND

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