

Chapter 82

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OFFENSES AND MISCELLANEOUS PROVISIONS

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ARTICLE I. IN GENERAL

Sec. 82-1. Harmful deception.

It shall be 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.
(Code 1974, § 18-25)

Sec. 82-2. Adoption of state statutes.

(a) The provisions of 21 O.S., other than provisions whose violation constitutes a felony, are adopted by reference as if set out at length in this chapter. It is unlawful to violate the provisions adopted by reference in this section.

(b) The provisions of 63 O.S., paragraphs 2-101 through 2-413, other than provisions whose violations constitute a felony, are adopted by reference as if set out at length in this chapter. It is unlawful to violate the provisions adopted by reference in this section.
(Ord. No. 2121, § 1, 10-10-00; Ord. No. 2182, § 1, 10-12-04)

Secs. 82-3-82-25. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC AUTHORITY*

Sec. 82-26. Refusing or failing to assist city officer.

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 any person to assist him in making such arrest, executing such process or suppressing such riot, affray or

*State law reference-Crimes against public justice, 21 O.S. § 381 et seq.

unlawful assembly. It shall be unlawful for any person lawfully called upon to assist an officer of the city to refuse or fail to do so.
(Code 1974, § 18-42)

State law reference-Similar provisions, 21 O.S. § 537.

Sec. 82-27. Resisting, obstructing, etc., city officers or employees.

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the chief of police, any other policeman, the municipal judge, or any other officer or employee of the city in the discharge of his official duties; or, by threats or otherwise, to intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or to assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.
(Code 1974, § 18-43)

State law reference-Obstructing public officers, 21 O.S. § 540.

Sec. 82-28. Impersonating city officer or employee.

It shall be unlawful for any person to impersonate any officer or employee of the city, falsely represent himself 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.

(Code 1974, § 18-44)

State law reference-Impersonation of public officers, 21 O.S. § 1533.

Sec. 82-29. False representations to city officer, employee or agency.

It shall be unlawful for any person 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, such officer, employee or agency.
(Code 1974, § 18-45)

Sec. 82-30. Prisoners-Escape.

It shall be unlawful for any person confined in the city jailor other place of confinement by the

city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody.
(Code 1974, § 18-46)

State law reference-Escapes, 21 O.S. § 431 et seq.

Sec. 82-31. Same-Rescuing or assisting to escape.

It shall be unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty or rescue, 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 such prisoner in any manner to escape from such prison or custody.
(Code 1974, § 18-47)

State law reference-Assisting escapes, 21 O.S. § 437 et seq.

Secs. 82-32-82-50. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON*

Sec. 82-51. Assault and battery.

(a) An assault is any willful and unlawful attempt or offer, with force or violence, to do corporal harm to another.

(b) A battery is any willful and unlawful use of force or violence upon the person of another.

(c) It shall be unlawful to commit an assault or an assault and battery within the city, and any person committing an assault or an assault and battery within the city shall be guilty of a misdemeanor.

(Code 1974, § 18-3)

State law references-Authority of city to prohibit assaults, 11 O.S. § 22-110; assault and battery, 21 O.S. § 641 et seq.

Secs. 82-52-82-70. Reserved.

*State law reference-Crimes against the person, 21 O.S. § 641 et seq.

ARTICLE IV. OFFENSES AGAINST PROPERTY†

Sec. 82-71. Petit larceny.

(a) Petit larceny is the taking of personal property of value of not to exceed \$50.00, accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another.

(b) Petit larceny is unlawful, and any person who commits petit larceny shall be guilty of a misdemeanor.

(Code 1974, § 18-59)

State law reference-Larceny, 21 O.S. § 1701 et seq.

Sec. 82-72. Buying, receiving, etc., stolen property.

It shall be unlawful for any person to buy, receive or bring into the city any property which he knows has been stolen.

(Code 1974, § 18-60)

State law reference-Receiving stolen property, 21 O.S. § 1713.

Sec. 82-73. Molesting, starting, etc., vehicle of another.

It shall be unlawful for any person to crank, 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.

(Code 1974, § 18-61)

State law reference-Similar provisions, 21 O.S. § 1787.

Sec. 82-74. Damaging, defacing, etc., property generally.

It shall be 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 enti-

†State law reference-Crimes against property, 21 O.S. § 1381 et seq.

tled 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.

(Code 1974, § 18-62)

State law reference-Damaging property of another, 21 O.S. § 1760 et seq.

Sec. 82-75. Bypassing utility meters; damaging, tampering with, etc., utility property; theft of cable television signals.

(a) It shall be 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 in any other way so as to evade payment therefor.

(b) It shall be unlawful for any person to damage, molest, tamper with or destroy any pipe, line, wire, meter or any other part of any public utility, including telegraph, telephone and cable television.

(c) It shall be unlawful for any person to obtain cable television service from another by means of electrical, mechanical or electronic tampering or any other manner which will enable him to obtain the cable service without payment therefor. (Code 1974, § 18-63)

State law reference-Tampering with utility lines, 21 O.S. § 1714, 76 O.S. § 23.

Sec. 82.76. Posting advertisements, etc., on property of another.

It shall be 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, park, fence, sidewalk, bridge, viaduct, post, right-of-way, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (Code 1974, § 18-64)

Sec. 82-77. Unlawful intrusion upon land or streets.

Every person who intrudes or squats upon any lot or piece of land within the city without a license or authority from the owner or person in charge thereof, or who erects or occupies thereon any hut, hovel, shanty or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the city any hut, hovel, shanty or other structure whatever, shall be guilty of a misdemeanor. (Code 1974, § 18-65)

State law reference-Similar provisions, 21 O.S. § 1353.

Sec. 82-78. Unlawful entry.

(a) It shall be unlawful 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 otherwise or when the property, area or structure is enclosed, except when such entrance is in the 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.

(b) It shall be unlawful for any person to trespass on private property. As used in this section:

(1) *Private property* means any property other than public property.

(2) *Public property* means that property which is dedicated to the public use and over which federal, state or municipal government or any political subdivision thereof exercises control and domain.

(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 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; provided that the provisions of this sentence 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 opera-

tion on the next business day after having been directed to vacate such premises under the terms of this section_

(Code 1974, §§ 18-66, 18-67)

State law reference-Trespass, 21 O.S. § 1835.

Secs. 82-79-82.100. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY

DIVISION 1. GENERALLY

Sec. 82-101. Removal of door, lock, etc., from discarded refrigerators, similar containers.

It shall be unlawful for any person to have in his possession or on his property or premises any unused or discarded refrigerator, freezer, ice container or other receptacle, locker or compartment, without first removing the door therefrom and lock, catch or opening thereto. This section shall not apply to any warehouse, commercial business or store where such articles are stored within a building and kept for storage or commercial sales. (Code 1974, § 18-10)

State law reference-Similar provisions, 21 O.S. § 1208.

Sec. 82-102. Unlawful throwing or shooting of stones or other objects.

It shall be 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 himself or of another person or of property.

(Code 1974, § 18-6)

Secs. 82-103-82.115. Reserved.

DIVISION 2. WEAPONS*

Subdivision I. General Provisions

Sec. 82-116. Carrying weapons prohibited; exceptions.

It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as provided in this division. This section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

(Code 1974, § 18-4)

State law references-Similar provisions, 21 O.S. § 1272; authority of city to prohibit carrying of weapons, 11 O.S. § 22-110, 21 O.S. § 1289.24 et seq.

Sec. 82-117. Carrying concealed weapon.

It shall be unlawful for any person, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the corporation commission, to carry a concealed weapon other than permitted by law.

State law reference-Similar provisions, 21 O.S. § 1289.8.

Sec. 82-118. Off-duty peace officers authorized to carry weapons.

(a) A full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training, pursuant to the provisions of 70 O.S. § 3311 is hereby authorized to carry a weapon certified and approved by his employing agency during periods when he is not on active duty.

(b) When an off-duty officer carries a certified weapon, the officer shall be in law enforcement uniform prescribed by the employing agency or

*State law reference-Weapons, 21 O.S. § 1272 et seq.

when not wearing the prescribed law enforcement uniform shall be required:

- (1) To have his official peace officers badge, commission card and council on law enforcement education and training certification card on his person at all times when carrying a weapon certified and approved by the employing agency; and
- (2) To keep the authorized weapon concealed from view at all times except when the weapon is used within the guidelines, rules and regulations established by the employing agency.

(c) Nothing in this section shall be construed to expand the duties, authority or jurisdiction of any peace officer.

State law reference-Similar provisions, 21 O.S. § 1289.23.

Sec. 82-119. Discharging firearms, air rifles, BB guns.

It shall be unlawful for any person to discharge a firearm in the city except when doing so in the line of duty, when lawfully doing so in defense of himself or of another person or of property, or when otherwise authorized by law or ordinance. It shall be unlawful to discharge an air rifle or BB gun in the city.

(Code 1974, § 18-5)

State law references-Authority of city to prohibit discharge of firearms, 11 O.S. § 22-110, 21 O.S. § 1289.24; discharging firearms or air rifles in public places, 21 O.S. § 1364.

Sec. 82-120. Making, possessing or using Molotov cocktails, other bombs.

(a) No person shall make, carry, possess or use any type of Molotov cocktail, gasoline or any other type of bomb within the corporate limits of the city.

(b) As used in this section, the term "Molotov cocktail" means a bottle or other type container, containing gasoline or any other flammable matter to which has been inserted or attached a fuse-type wick or any similar contrivance.

(c) As used in this section, the word "bomb" means any can, bottle, box or other container having therein a chemical agent or a combination of chemical agents or other substances, with a

means installed to activate such substances, which when activated, will cause fire or explosion. (Code 1974, § 18-7)

Secs. 82-121-82-130. Reserved.

Subdivision II. Firearms

Sec. 82-131. Conditions under which firearms may be carried.

A person shall be permitted to carry shotguns, rifles or pistols, open and not concealed, under the following conditions:

- (1) When going to, during participation in or coming from hunting animals or fowl, including moving from place to place by vehicle. However, a rifle or shotgun may be carried in a landborne motor vehicle over a public highway or roadway when clip or magazine loaded and not chamber loaded when carried in a locked compartment of the vehicle, such as the trunk of an automobile.
- (2) When going to, during competition in or practicing or coming from a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events.
- (3) When unloaded, going to or coming from a gunsmith.
- (4) When unloaded, going to or coming from a store for purposes of repair, trade, barter or sale.
- (5) Going to or coming from a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces.
- (6) Going to or coming from a recognized police function of either a municipal, county or state government as functioning police officials.
- (7) When unloaded, going to or coming from a place of publicly-recognized firearms display such as a gun show where the public is invited.

(8) When unloaded, going to or coming from a point of private trade for purposes of transferring a firearm to another private citizen in exchange for moneys, payment for services or trade.

(9) When going to, coming from and during a performance for entertainment purposes.

(10) For any legitimate purpose not in violation of this Code or any legislative enactment regarding the use, ownership and control of firearms.

State law reference-Similar provisions, 21 O.S. § 1289.6.

Sec. 82-132. Firearm in motor vehicle.

A person may carry or transport in a motor vehicle a rifle, shotgun or pistol, unloaded, at any time.

State law reference-Similar provisions, 21 O.S. § 1289.7.

Sec. 82-133. Carrying or using firearms while under influence of intoxicating liquors or drugs.

It shall be unlawful to carry or use shotguns, rifles or pistols under any circumstances while under the influence of intoxicating liquors or any hallucinogenic, unlawful or unprescribed drug, nor shall any person be permitted to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior.

State law reference-Similar provisions, 21 O.S. § 1289.9.

Sec. 82-134. Furnishing firearms to mentally incompetent or insane persons.

It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron or idiot or is insane.

State law reference-Similar provisions, 21 O.S. § 1289.10.

Sec. 82-135. Reckless conduct.

It shall be 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.

State law reference-Similar provisions, 21 O.S. § 1289.11.

Sec. 82-136. Transporting loaded firearm in motor vehicle.

Except as otherwise provided, it shall be unlawful to transport a loaded firearm in a land-borne motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported when clip or magazine loaded and not chamber loaded when transported in a locked compartment of the vehicle, such as the trunk of an automobile.

State law reference-Similar provisions, 21 O.S. § 1289.13.

Sec. 82-137. Transporting or discharging firearm from boat.

Except as otherwise provided, it shall be unlawful to transport or discharge a shotgun, rifle or pistol from a boat under power or sail, except for the purposes of hunting animals or fowl, and in compliance with existing state and federal laws.

State law reference-Similar provisions, 21 O.S. § 1289.14.

Sec. 82-138. Pointing firearms.

It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation, or for purposes of whimsy, humor or prank, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the form of the Oklahoma Army or Air National Guard in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of his duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of one's person, home or property.

State law reference-Similar provisions, 21 O.S. § 1289.16.

Secs. 82.139,82.140. Reserved.

DIVISION 3. TOBACCO*

Subdivision I. General Provisions

Secs. 82-141-82-145. Reserved.

Subdivision II. Prevention of Youth Access

Sec. 82-146. Definitions.

The following definitions shall apply as used in this subdivision:

"*Person*" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

"*Proof of age*" means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

"*Sample*" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

"*Sampling*" means the distribution of samples to members of the public in a public place;

"*Tobacco product*" means any product that contains tobacco and is intended for human consumption;

"*Transaction scan*" means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification; and

"*Transaction scan device*" means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the infor-

*Editor's note-Ord. No. 2253, § II(A)--(F), adopted April 24, 2007, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as §§ 82-146-82-151.

mation encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

(Ord. No. 2253, § II(A), 4-24-07)

Sec. 82-147. Furnishing of tobacco products to minors prohibited; proof of age; fines; multiple violations.

(a) It is unlawful for any person to sell, give or furnish in any manner any tobacco product to another person who is under 18 years of age, or to purchase in any manner a tobacco product on behalf of any such person. It shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performance of the employee's duties.

(b) A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under 18 years of age.

If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under 18 years of age, the failure to subsequently require proof of age shall not constitute a violation of subsection (b) of this section.

(c) Violation of subsection (a) or (b) of this section may be punished by a fine of:

- (1) Not more than \$100.00 for the first offense,
- (2) Not more than \$200.00 for the second offense within a two-year period following the first offense,
- (3) Not more than \$300.00 for a third offense within a two-year period following the first offense, or
- (4) Not more than \$300.00 for a fourth or subsequent offense within a two-year period following the first offense.

(d) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied

upon proof of age, and such person shall not be found guilty of such violation if such person proves that:

- (1) The individual who purchased or received the tobacco product presented a driver license or other government-issued photo identification purporting to establish that such individual was 18 years of age or older, and
- (2) The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

(e) Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

(Ord. No. 2253, § II(B), 4-24-07)

Sec. 82-148. Purchase receipt or possession of tobacco products by minors prohibited; falsifying proof of age; penalties.

(a) It is unlawful for a person who is under 18 years of age to purchase, receive, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performance of the employee's duties.

(b) Violation of this subsection may be punished by a fine of:

- (1) Not to exceed \$100.00 for a first offense; and

- (2) Not to exceed \$200.00 for a second or subsequent offense within a one-year period following the first offense.

(Ord. No. 2253, § II(C), 4-24-07)

Sec. 82-149. Distribution of tobacco product samples restricted; fines.

(a) It shall be unlawful for any person or retailer to distribute tobacco products or product samples to any person under 18 years of age.

(b) No person shall distribute tobacco products or product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

(c) Violation of subsection (a) or (b) of this section may be punished by a fine of:

- (1) Not more than \$100.00 for the first offense;
- (2) Not more than \$200.00 for the second offense; and
- (3) Not more than \$300.00 for a third or subsequent offense.

(Ord. No. 2253, § II(D), 4-24-07)

Sec. 82-150. Sale of tobacco products except in original, sealed packaging prohibited; fine.

(a) It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

(b) Violation of subsection (a) of this section may be punished by a fine of not more than \$200.00 for each offense.

(Ord. No. 2253, § II(E), 4-24-07)

Sec. 82-151. Display or sale of tobacco products; public access; fines.

(a) It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsec-

tion shall not apply to retail stores which do not admit into the store persons under 18 years of age.

(b) Violation of subsection (a) of this section may be punished by a fine of not more than \$200.00 for each offense.

(Ord. No. 2253, § II(F), 4-24-07)

Secs. 82-152-82-160. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC PEACE AND ORDER*

Sec. 82-161. Unlawful assembly.

It shall be unlawful for two or more persons to assemble together or, being assembled together, to act in concert to do any unlawful act against the peace or to the terror of others, or to make any movement thereto or any preparation therefor, or otherwise to assemble together unlawfully or riotously.

(Code 1974, § 18-11)

State law references-Authority of city to prohibit disorderly assemblies, 11 O.S. § 22-110; riots and unlawful assemblies, 21 O.S. § 1311 et seq.

Sec. 82-162. Noise generally.

The following acts are declared to be unreasonably loud or disturbing noises in violation of this section, to-wit:

- (1) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such manner between the hours of 8:00 a.m. and 10:00 p.m. wherein the sound emanating from such device is plainly audible at a distance of 100 feet from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed.
- (2) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument,

*Cross references-Public intoxication and drinking, § 6-1; public order preservation, § 30-86 et seq.

phonograph, stereo, or other machine or device for the producing or reproducing of sound in such manner between the hours of 10:00 p.m. and 8:00 a.m. wherein the sound emanating from such device is plainly audible at a distance of 50 feet from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed.

- (3) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo or other machine or device for the producing or reproducing of sound in such manner wherein the sound emanating from such device is plainly audible inside a school, church, hospital medical clinic, or nursing home during operating or business hours with the doors and windows closed.
- (4) For the purposes of this section, "*plainly audible*" means any sound that can be detected by a person using his or her unaided hearing faculties. An enforcement officer need not determine the title of a song, specific words, or the artist performing the song; the detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. A "residential occupancy" includes single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms.
- (5) The following uses and activities shall be exempt from these regulations:
 - a. School sponsored activities conducted on school property at times other than between the hours of 10:00 p.m. and 7:00 a.m.
 - b. Church related activities conducted on church property at times other than between the hours of 10:00 p.m. and 7:00 a.m.
 - c. City sponsored or permitted parades and events.
 - d. Commercial businesses zoned for entertainment purposes, provided that

the sound is not plainly audible inside a residential occupancy located outside of the zoning district wherein that business is located, when the doors and windows of said residential occupancy are closed.

(6) Any person violating any of the provisions of this title shall be deemed guilty of a Misdemeanor offense. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense. Each device found to be emitting sound in violation of this section shall be deemed a separate violator and shall be punishable as a separate offense. (Code 1974, § 18-12; Ord. No. 2229, § 1,4-25-06)
State law reference-Unlawful noise, 21 O.S. § 1362.

Sec. 82-163. Loud sound-amplification systems prohibited.

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

(b) "Sound amplification system" means any radio, tape player, compact disc player, loud-speaker, or other electronic device used for the amplification of the human voice.

(c) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway.

(d) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.

- (2) The vehicle was an emergency or public safety vehicle.
- (3) The vehicle was owned and operated by the city or public or private utility company.
- (4) The vehicle was used in authorized public activities, such as parades, fireworks, sports events or other activities which have been approved by the appropriate city official or body.

(Ord. No. 1994, § 1(18-12.1), 10-13-92)

Sec. 82-164. Disturbing lawful assembly.

It shall be unlawful for any person to disturb any lawful public gathering or assembly 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.

(Code 1974, § 18-13)

State law reference-Similar provisions, 21 O.S. § 1361.

Sec. 82-165. Disturbing religious worship.

It shall be unlawful for any person to disturb 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.

(Code 1974, § 18-14)

State law reference-Similar provisions, 21 O.S. §§ 915, 916.

Sec. 82-166. Blasphemy.

It shall be unlawful for any person to circulate any literature or use any language, within the corporate limits of the city, that casts profane ridicule on God, Jesus or Christianity or any other religion, which in its common acceptance is calculated to cause a breach of peace or an assault.

(Code 1974, § 18-15)

State law reference-Similar provisions, 21 O.S. § 901.

Sec. 82-167. Disturbing the peace; insulting others.

It shall be unlawful for any person to disturb the peace of another or others by violent, obstrep-

erous or improper conduct or carriage, by loud or unusual noise, or by unseemly, obscene, offensive or abusive language; or to insult another or others by such conduct or language.

(Code 1974, § 18-16)

State law reference&-Similar provisions, 21 O.S. § 1362; authority of city to prohibit disturbances, 11 O.S. § 22-110.

Sec. 82-168. Display of insulting or abusive signs, flags, etc.

It shall be unlawful for any person 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 where the natural consequence is, to cause a breach of the peace or an assault.

(Code 1974, § 18-17)

Sec. 82-169. Loitering or sleeping in public places or on property of another after midnight.

(a) As used in this section, "*loitering*" shall mean remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expression "hanging around."

(b) No person shall loiter in a public place in such manner as to:

- (1) Create or cause to be created a danger of a breach of the peace.
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- (3) Obstruct the free passage of pedestrians or vehicles.
- (4) Obstruct, molest or interfere with any person lawfully in any public place.

This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature, or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(c) Whenever the presence of any person in any public place is causing any of the conditions enumerated above, any police officer may order

that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(Code 1974, § 18-21)

Sec. 82-170. Juvenile curfew.

(a) *Offenses against the public.*

- (1) The purpose and intent of this section is to narrowly tailor the restriction of late-night activities of juveniles to the extent juvenile crime is reduced and juveniles, as well as other citizens, and their property are protected from harm; and
- (2) Juveniles are particularly vulnerable to the influences of persons who do not have the best interest of the juvenile in mind, due to the inability of juveniles to make important or critical decisions in an informed and mature manner and to avoid choices which could be detrimental to their health, safety and welfare; and
- (3) A concern has arisen in the community that certain activities by juveniles and adults, during the late night hours, endanger the health, safety and welfare of other persons and their property; and
- (4) The city does not desire to interfere with parent-child or parent-juvenile relationships or the parental right to raise their children, or juveniles; and
- (5) While the city recognizes parents and/or responsible adults need wide latitude in supervising their children, the city desires to protect juveniles from nocturnal dangers, and encourage parental responsibility; and
- (6) The public purpose of this section is to protect juveniles from nocturnal dangers, enhance parental supervision and responsibility for juveniles, and protect the public at-large.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Curfew hours means:

- (1) 11:01 p.m. until 6:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday.
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday and Sunday.

Emergency means an unforeseen combination of circumstances, or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for profit to which the public is invited, but not limited to any place of amusement or entertainment.

Guardian means:

- (1) A person who, under court order, is the guardian of the person of a juvenile; or
- (2) A public or private agency with whom a juvenile has been placed by a court.

Juvenile means any person 17 years of age, or under 17 years of age.

Knowing permit means the parent, other responsible adult and/or operator as defined herein is aware of the fact the juvenile is in violation of the curfew hours or that such person, by exercise of reasonable care, would have known that the juvenile is in violation of the curfew hours.

Parent means a person who is a natural parent, adoptive parent, or step-parent of another person.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, common areas of schools, apartment houses, office buildings, hospitals, transport facilities, and retail establishments.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Responsible adult means any person having, assuming or charged with permanent and/or temporary care and/or custody of a juvenile, including, but not limited to:

- (1) Any legal guardian or adult exercising legal guardianship over a juvenile;
- (2) An adult who stands in loco parentis to a juvenile;
- (3) Any person to whom legal custody of a juvenile has been given by order of a court;
- (4) Any adult who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, a parent, guardian, locoparentis, or person to whom legal custody has been given by order of a court; and
- (5) Any adult who has, assumes or is charged with the care and/or custody of a juvenile at the request of, or on behalf of, another parent.

(c) *Offenses.*

- (1) A juvenile commits an offense if he/she is in any public place or on the premises of any establishment within the corporate limits of the city during curfew hours.
- (2) A parent and/or responsible adult of a juvenile commits an offense if:
 - a. He/she knowingly permits or allows the juvenile to remain in any public place or on the premises of any establishment within the corporate city limits during curfew hours; and
 - b. The parent and/or responsible adult of a juvenile has previously cited so as to knowingly permit or allow a juvenile to remain in any public place or on the premises of any establishment within the corporate city limits during curfew hours. Every subsequent violation thereof will constitute a separate violation.
- (3) The owner, operator or any employee of an establishment commits an offense if

he/she knowingly permits or allows a juvenile to remain upon the premises of the establishment during curfew hours.

(d) *Defenses.*

- (1) It is a defense to prosecution under subsection (c) that the juvenile was at the time in question:
 - a. Accompanied by the juvenile's parent or responsible adult;
 - b. Engaged in any lawful employment activity, or going to or returning home from a lawful employment activity without any detour or stop;
 - c. Involved in an emergency;
 - d. In a motor vehicle involved in interstate travel;
 - e. Attending, going to or returning home without any detour or stop from an official school, religious or other recreational activity supervised by adults, or an event sponsored by the city, a civic organization, or any recognized entity that takes responsibility for the juvenile;
 - f. On an errand at the direction of the juvenile's parents or responsible adult, without any detour or stop;
 - g. Exercising First Amendment rights protected by the United States Constitution, or other rights protected by the United States or Oklahoma Constitution; or
 - h. Married, or had been married.
- (2) It is a defense to prosecution under subsection (c)(3) that the owner, operator or employee of an establishment promptly notify the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(e) *Enforcement.*

- (1) Before taking any enforcement action under this subsection, a police officer shall ask the apparent offender's reason for being in the public place. The police of-

ficer shall not issue a citation or make an arrest under this subsection unless the officer reasonably believes that an offense has occurred and, based on circumstances, no defense in subsection (d) is present.

- (2) Absent an interlocal agreement with the district court for the municipal court to exercise jurisdiction over juveniles under 17 years of age under subsection (c) above pursuant to 10 O.S. § 1102(E) as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature, the municipal court must refer all alleged juvenile violations to the juvenile bureau of the district attorney's office.

(f) *Penalties.*

- (1) A person who violates a provision of this section is guilty of a separate offense for each day, or part of a day, during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$100.00, plus costs. The court may require community service work in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing wage does not result in a number which exceeds the maximum fine authorized by law.
- (2) The municipal court's jurisdiction over a juvenile who violates subsection (c) of this section shall be expressly subject to Title 10 O.S., as amended by H.B. 2640 of the 1994 Regular Session of the Oklahoma Legislature.
(Ord. No. 2018, §§ 1-6, 7-12-94; Ord. No. 2059, §§ 1, 2, 4-8-97)

Sec. 82-171. Noise prohibited.

(a) *Prohibited acts generally.* It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(b) *Prohibited acts specifically.* The following acts, among others, are declared to be unreasonable or disturbing noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

- (1) *Public loudspeakers.* Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons wherein the sound emanating from such device is plainly audible inside a neighboring residential occupancy when the doors and windows are closed.
- (2) *Yelling, shouting, etc.* Yelling, shouting, whistling or otherwise creating unreasonable noise particularly between the hours of 10:00 p.m. and 8:00 a.m., or at any time or place so as to disturb the quiet, comfort, or repose of persons in any neighboring residential occupancy when the doors and windows are closed.
- (3) *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city.
- (4) *Schools, courts, churches, hospitals, parks.* The creation of any unreasonable noise adjacent to any school, church or court while the same are in use, or adjacent to any hospital, medical clinic, or nursing home which unreasonably interferes with the workings of such institution, or which disturbs patients in the hospital, or in any park, which unreasonably disturbs the users thereof. This subsection shall not apply to businesses located in areas zoned "C-1", "C-2", "C-3", "C-4", "C-5", or any successor classification whenever any of

the uses enumerated in this subsection moves or otherwise locates in an area zoned for commercial use.

- (5) *Power lawn mowers.* The operation of any gasoline or similar internal combustion engine powered mower, cultivator, blower, weed cutter or like or related device in an area zoned residential between the hours of 10:00 p.m. and 6:00 a.m.

(c) *Exceptions.* The following uses and activities shall be exempt from these regulations:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency.
- (3) Noises resulting from emergency work.
- (4) Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the city in accordance with this section.
- (5) Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- (6) School sponsored activities conducted on school property.
- (7) Church related activities conducted on church property.
- (8) City sponsored or permitted parades and events.

(d) *Definitions, scope.* For the purposes of this section, "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. A "residential occupan-

cy" includes single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms.

(e) *Application for special permit.* Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the city manager or duly authorized representative. Any permit granted by the city manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager or duly authorized representative may grant a relief as applied for if they find:

- (1) That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter; or
- (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and
- (3) That no other reasonable alternative is available to the applicant. The city manager, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood. Any denial of an application under this section shall be appealable to the board of commissioners upon written application filed within ten days of the date notice of the city manager's decision is mailed to the applicant.

(f) *Penalty.* Any person violating any of the provisions of this title shall be deemed guilty of an infraction punishable as a misdemeanor offense. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

(Ord. No. 2227, § 1, 4-11-06)

Sec. 82-172. Temporary detention and custody of children subject to compulsory attendance law and neglect or refusal to compel child to attend school; exceptions; enforcement.

(a) An attendance officer, any school administrator, or designee of the McAlester School Superintendent who is employed by the school, or any

peace officer may, except for children being home schooled pursuant to § 10-105 of the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the McAlester School District that such attendance officer, peace officer or school official serves, if said McAlester School District has previously approved the temporary detention and custody pursuant to this section.

(b) Any person temporarily detaining and assuming temporary custody of a child pursuant to this ordinance shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a non-secure youth service or community center servicing the McAlester School District, or to a community intervention center, as defined by § 7301-1.3 of Title 10 of the Oklahoma Statutes.

(c) The temporary custody or detention provided by this ordinance shall be utilized as a means of reforming and returning the truant student to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a severely limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant.

(d) It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five years, and under the age of 18 years to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term =the schools of the district are in session or the child is excused as provided in this section. One-half day of kindergarten shall be required of all children five years of age or older unless the child is excused from kindergarten attendance as provided in Title 10 of the Oklahoma Statutes or this

section. A child who is five years of age shall be excused from kindergarten attendance until the next school year after the child is six years of age if a parent, guardian, or other person having custody of the child notifies the McAlester School Superintendent by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six years of age.

(e) 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 McAlester School District are in session.

Provided, that this section shall not apply:

- (1) If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the McAlester School 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) If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
- (3) If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
 - a. The school administrator of the McAlester School District where the child attends school, and
 - b. The parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator 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 said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of 18 years; or

- (4) If any such child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The McAlester School District shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

(f) It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and the city prosecutor shall notify the school attendance officer who shall refer the child to the District Attorney for Pittsburg County for the filing of a Child in Need of Supervision Petition against the child pursuant to the Oklahoma Juvenile Code.

(g) Penalty. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

- (1) For the first offense, a fine of not less than \$25.00 nor more than \$50.00;

- (2) For the second offense, a fine of not less than \$50.00 nor more than (\$100.00; and
- (3) For the third or subsequent offense, a fine of not less than \$100.00 nor more than \$250.00.

(h) At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the McAlester School District.

(Ord. No. 2269, § 1, 9-25-07)

Secs. 82-173-82-190. Reserved.

ARTICLE VII. OFFENSES AGAINST PUBLIC MORALS*

DIVISION 1. GENERALLY

Sec. 82-191. Gambling, gambling devices.

(a) It shall be unlawful for any person to play, 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; to own, keep, set up, operate or permit to be operated any slot machine, gambling device or other device whatsoever where money, checks, chips, credit or any other thing of value are played, when the act of playing the same might result in a gain or loss to the party playing; or to gamble knowingly in any other manner; or knowingly to permit his premises, house, lot or other property to be used in connection with or for any act declared unlawful in this section.

(b) Any money found by officers being used in any gambling game shall be confiscated and shall, upon order of the municipal judge, be paid over to the city treasurer.

(c) It shall be the duty of any police officer who discovers or has knowledge of the use or existence of any gaming or gambling or gambling instrumentality or device prohibited as unlawful by any

.Cross reference-Public intoxication and drinking, § 6-1.
State law reference-Crimes against public decency and morality, 21 O.S. § 851 et seq.

of the provisions of the ordinances of the city to seize the same, with or without process, and safely keep it until the next session of the municipal court, when it shall be produced in the presence of the municipal judge to be disposed of as hereinafter set forth.

(d) Whenever there shall be produced in the presence of the municipal judge any property, instrumentality or device, and it shall be shown to the municipal judge that such property, instrumentality or device was designed, constructed or built for the purpose of being used for gambling, or as an accessory or convenience in any gaming or gambling house, or to the owner, keeper or habitues of any room or house used for gaming or gambling purposes; or if the municipal judge shall find that such property was used or kept for such use in any game in which the reward for winning was, or should be, money, merchandise, credit or any other thing of value, then the municipal judge shall order that such property be forthwith destroyed by the chief of police and such officer so directed by the municipal judge shall immediately destroy the same.

(e) In case any instrumentality or property referred to in this section is large or unwieldy and impracticable to produce before the municipal judge, the judge shall hear the evidence touching upon its nature and use and shall, in all respects, act upon such evidence the same as if the instrumentality or property had been produced.

(f) Before any property shall be destroyed as provided in this section, the municipal judge shall determine whether the instrumentality or device was used exclusively for such illegal purposes, or whether or not the same was an accessory to the business. Accessories having a serviceable value in connection with any lawful business for profit shall not be so destroyed, but shall be, by the municipal judge, ordered sold by the chief of police and the proceeds thereof shall be paid over to the city treasurer. Such property shall be sold by posting, ten days prior to the date of the sale in four public places in the city, one of which shall be near or on the front door of the police station,

notice of the time, place and manner of such sale and a general description of the property to be sold.

(Code 1974, § 18-18)

State law reference-Gambling, 21 O.S. § 941 et seq.

Sec. 82-192. Nudity; improper dress; indecent exposure.

It shall be unlawful for any person to appear in any public place in the city in a state of nudity or in any offensive, indecent or lewd dress, or to make an indecent public exposure of his person.

(Code 1974, § 18-28)

State law reference-Similar provisions, 21 O.S. § 1021.

Sec. 82-193. Lewd or indecent conduct.

It shall be unlawful for any person to conduct himself in a lewd or indecent manner or in a manner offensive to the good morals of the city, or to perform any act which is detrimental to the good morals of the city, in any public or private place within the city.

(Code 1974, § 18-29)

Sec. 82-194. Offenses involving narcotics.

It shall be unlawful for any person under the influence of opium or any other narcotic to appear or be upon or in any street, alley, place of business or other public place; or for any person to use opium or any other narcotic upon or in any street, alley, place of business or other public place within the city; or for any person to use opium or any other narcotic in any place within the city except as legally prescribed by a physician licensed to practice in the state; or to loiter about a place where opium or any other narcotic is sold or furnished illegally; or for any person to sell or furnish illegally to another person opium or any other narcotic.

(Code 1974, § 18-30)

State law references-Public intoxication, 37 O.S. § 8; Uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq.

Secs. 82-195-82-205. Reserved.

DIVISION 2. PROSTITUTION AND RELATED OFFENSES*

Sec. 82-206. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anal intercourse means contact between human beings of the genital organs of one and the anus of another.

Cunnilingus means any act of oral stimulation of the vulva or clitoris.

Fellatio means any act of oral stimulation of the penis.

Lewdness means:

- (1) Any lascivious, lustful or licentious conduct;
- (2) The giving or receiving of the body for indiscriminate sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lascivious, lustful or licentious conduct with any person not his or her spouse; or
- (3) Any act in furtherance of such conduct or any appointment or engagement for prostitution.

Masturbation means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

Prostitution means:

- (1) The giving or receiving of the body for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value; or
- (2) The making of any appointment or engagement for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse

*State law references-Authority of city to restrain and prohibit houses of prostitution and disorderly houses, 11 O.S. § 22-109; prostitution and related offenses, 21 O.S. § 1025 et seq.

or lewdness with any person not his or her spouse, in exchange for money or any other thing of value.

(Code 1974, § 18-27)

Cross reference-Definitions generally, § 1-2.
State law reference-Similar provisions, 21 O.S. § 1030.

Sec. 82-207. Setting up, owning or operating place of prostitution; procuring; receiving person for forbidden purpose; transportation; receiving proceeds.

It shall be unlawful to:

- (1) Keep, set up, maintain or operate any house, place, building, other structure, or part thereof, or vehicle, trailer or other conveyance with the intent of committing an act of prostitution, lewdness or assignation.
- (2) Knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer or other conveyance used with the intent of committing an act of lewdness, assignation or prostitution, or to let, lease or rent, or contract to let, lease or rent any such place, premises or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises or conveyance for prostitution, lewdness or assignation.
- (3) Offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act.
- (4) Receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent.
- (5) Direct, take or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle,

trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation.

- (6) Knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution.

(Code 1974, § 18-27)

State law reference-Similar provisions, 21 O.S. § 1028.

Sec. 82-208. Engaging in prostitution, etc.; soliciting or procuring; residing or being in place for prohibited purpose; aiding, abetting or participating.

It shall be unlawful to:

- (1) Engage in prostitution, lewdness, or assignation.
- (2) Solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution, with himself or herself.
- (3) Reside in, enter, or remain in any house, place, building or other structure, or to enter or remain in any vehicle, trailer or other conveyance with the intent of committing an act of prostitution, lewdness or assignation.
- (4) Aid, abet or participate in the doing of any of the acts herein prohibited.

(Code 1974, § 18-27)

State law reference-Similar provisions, 21 O.S. § 1029.

Chapters 83-85

RESERVED