





Offenses and Crimes

PART 10

OFFENSES AND CRIMES

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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 city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself. (Prior Code, Chapter 14, as amended)

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. (Prior Code, Chapter 14, as amended)

SECTION 10-103 "OFFENSE" DEFINED.

The word "offense," whenever used in this code or in any part, chapter, article or ordinance of the city means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city.

SECTION 10-104 "VIOLATION" DEFINED.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any part, chapter or article hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful.

SECTION 10-105 PENALTY NOT TO EXCUSE OFFENSE.

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.



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SECTION 10-106 CAPACITY TO COMMIT OFFENSE.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

1. Children under the age of seven (7) years;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
5. Persons who committed the act charged without being conscious thereof, involuntarily; and
6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

SECTION 10-107 INTOXICATION, NO DEFENSE.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

SECTION 10-108 WITNESS, SELF INCRIMINATION.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

SECTION 10-109 NUISANCES.

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

Cross Reference: Nuisances, Secs. 8-101 et seq. of this code.

SECTION 10-110 CONSPIRACY.

Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the city or the person or property of another person shall be guilty of an offense.

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SECTION 10-111 LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state.

SECTION 10-112 LAWFUL USE OF FORCE

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

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

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;

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

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

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

6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;

7. In preventing or interrupting an intrusion upon the lawful possession of property;
and

8. To preserve the peace or prevent the commission of an offense.

B. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

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SECTION 10-201 ASSAULT AND BATTERY.

No person shall commit an assault or battery, or both, upon the person of another. (Prior Code, Chapter 14, as amended)

State Law Reference: Assault and battery generally, 21 O.S. Sec. 641 et seq.; city's power to prevent, 11 O.S. Sec. 22-110.

SECTION 10-202 ASSAULT DEFINED.

An assault is any wilful and unlawful attempt or offer with force or violence to do corporal hurt to another. (Prior Code, Chapter 14, as amended)

SECTION 10-203 BATTERY DEFINED.

A battery is any wilful and unlawful use of force or violence upon the person of another. (Prior Code, Chapter 14, as amended)

SECTION 10-204 RECKLESS CONDUCT.

A. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.

B. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm. (Prior Code, Chapter 14, as amended)

Cross Reference: See also Sections 10-701 et seq. on weapons and firearms.

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SECTION 10-301 PETIT LARCENY; EMBEZZLEMENT; SHOPLIFTING.

A. No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of Fifty Dollars (\$50.00) or embezzle any money, personal property or effects of another under the value of Fifty Dollars (\$50.00). This section does not apply to taking property from the "person" of another.

B. If any person conceals unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, there shall be a rebuttable presumption that the person shall have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such persons shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his agent or employee, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable. (Prior Code, Chapter 14, as amended)

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State Law Reference: Larceny, 21 O.S. Secs. 1701 et seq.; embezzlement, 21 O.S. Secs. 1451 et seq.

SECTION 10-302 LARCENY BY FALSE PRETENSE

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed Fifty Dollars (\$50.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official. (Prior Code, Chapter 14, as amended)

SECTION 10-303 ALTERING KEYS.

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

SECTION 10-304 POSSESSION OF STOLEN PROPERTY.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully. (Prior Code, Chapter 14, as amended)

State Law Reference: Receiving stolen property, 21 O.S. Sec. 1713.

SECTION 10-305 DEFRAUDING PUBLIC ACCOMMODATIONS: PROOF; EXCEPTION.

A. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.

B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.

C. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.

D. This section shall not apply where there has been an agreement in writing for delay in payment. (Prior Code, Chapter 14, as amended)

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SECTION 10-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S AUTHORITY TO DETAIN.

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable. (Prior Code, Chapter 14, as amended)

SECTION 10-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE.

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means of public conveyance or passengers, operating under the code, ordinance, franchise, permit or license of the city or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service. (Prior Code, Chapter 14, as amended)

SECTION 10-308 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 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 in such amounts as authorized by state law to be enforced as a misdemeanor. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted. (Prior Code, Chapter 14, as amended)

SECTION 10-309 HARMFUL DECEPTION.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver. (Prior Code, Chapter 14, as amended)

SECTION 10-310 DEFACING BUILDING, DAMAGING PROPERTY.

A. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.

B. No person shall:

1. Destroy, injure, deface, damage or molest any structure, building, work or other

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property, real or personal, belonging to another;

2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or

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

(Prior Code, Chapter 14, as amended)

State Law Reference: Destroying property generally, 21 O.S. Sec. 1760.

SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY.

No person shall wilfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own.

SECTION 10-312 DAMAGING PRIVATE PROPERTY.

No person shall wilfully and wantonly damage or destroy the personal property of another.

SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION.

A. Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the city to designate or mark grades, lines, corners or bench marks on any public work in the city prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.

B. Any contractor or other person constructing any public work in the city shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the city.

SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

A. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.

B. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended. (Prior Code, Chapter 14, as amended)

State Law Reference: Damaging motor vehicles, 21 O.S. Secs. 1787, 1788.

SECTION 10-315 TAMPERING WITH OR DAMAGING OF UTILITIES.

A. No person shall alter, remove, tamper with, molest, damage or injure any wires,

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cable, appurtenance, structure, pipes or equipment of any utility of the city, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the city without consent of the utility or city having been first obtained.

B. It is unlawful to open up any manhole or opening to a sewer unless authorized by the city, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.

C. No person except a member of the fire department or a person acting on lawful order or permit issued by the city shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.

D. No person shall in any manner whatsoever:

1. Cut into, attach to or intercept the wires, cables or pipes, of any electric, water, cable television or gas utility or of the city for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;

2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or city out of the value of the service; or

3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or city from payment thereof.

E. Each day that any person maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense. (Prior Code, Chapter 14, as amended)

Cross Reference: Utilities, see Secs. 17-101 et seq. of this code.

SECTION 10-316 DESTROYING TREES AND SHRUBBERY.

A. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.

B. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the city.

SECTION 10-317 TRESPASSING PROHIBITED, NOTICE, SOLICITING, TRESPASS PROHIBITED.

A. It is unlawful and an offense for any person to commit a trespass within this city

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upon either public or private property.

B. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner or other person in lawful possession of the premises. Trespass shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.

C. Any of the following acts by any person shall be deemed a violation of this section:

1. The doing of an injury or misfeasance to the person of another;
2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a city official;
8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a city official;
9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the city council or other public official which is lawfully authorized to give consent; or
11. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The

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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 paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes 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 paragraph.

D. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7 and 9 of Subsection C hereof shall meet the following criteria:

1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;

2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and

3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the city code.

(Prior Code, Chapter 14, as amended)

SECTION 10-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS.

A. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the city after business hours without consent of the lawful owner, occupant, lessee or employee thereof.

B. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.

C. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the city code.

D. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).

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E. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.

F. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.

G. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in Section 1-108 of this code.

H. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this code.

I. The provisions of this section are cumulative of other applicable offenses enacted in this code or state law. (Prior Code, Chapter 14, as amended)

Cross Reference: See also Section 15-608 on vehicular trespass.

SECTION 10-319 UNLAWFUL INTRUSION ON LAND.

A. No person shall intrude or remain upon any lot or piece of land, or in any building within the city without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.

B. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the city any structure whatever unless such person is granted a license by the city to do so.

SECTION 10-320 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property. (Prior Code, Chapter 14, as amended)

SECTION 10-321 THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED.

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or city-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

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SECTION 10-322 LITTERING, DEPOSITS UNLAWFUL.

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the city or upon the property of another without express authority to do so.

SECTION 10-323 POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER.

A. No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.

B. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof. (Prior Code, Chapter 14, as amended)

SECTION 10-324 POSTING ADVERTISING MATTER ON UTILITY POLES OR ON OR OVER STREETS AND SIDEWALKS.

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the city or to place any advertising on any signs or banners stretched over the streets or sidewalks of the city. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the city from erecting and maintaining business or commercial signs in accordance with the ordinances of the city, nor to prohibit the granting of permission by the city to religious, charitable, patriotic or civic bodies to use banners across the streets of the city in such places as may be designated by the city administrator for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

Cross Reference: See also Section 15-209 prohibiting signs on official traffic signs and political signs.

SECTION 10-325 INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS.

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television or telephone reception of others. (Prior Code, Chapter 14, as amended)

SECTION 10-326 FALSE WEIGHTS.

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefor or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and wilfully report any false or untrue weight whereby another person shall be defrauded or damaged. (Prior Code, Chapter 14, as amended)

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SECTION 10-327 UNLAWFUL USE OF ANOTHER'S GARBAGE OR REFUSE CONTAINER.

It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the city or a public or private trash, garbage or refuse hauling service, without the permission of the owner, lessee or other person entitled to the possession or use thereof. (Prior Code, Chapter 14, as amended)

SECTION 10-328 FIREWORKS PROHIBITED, EXCEPTIONS.

A. For the purpose of this section, "fireworks" shall have the same meaning as in state law, Section 1621 et seq of Title 68 of the Oklahoma Statutes.

B. It is unlawful for any person to manufacture, display, sell, possess for sale, or use fireworks within the city except as provided in this section.

C. Pyrotechnic or fireworks displays may be authorized in accordance with the city fire code when under proper control and the time, place and manner of the display is permitted by the city. (Prior Code, Sec. 8-7)

Cross Reference: See also Section 5-601 et seq, fire code.

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CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-401	Disturbing the peace.
Section 10-402	Disturbing funerals.
Section 10-403	Disorderly conduct.
Section 10-404	Unnecessary noise prohibited.
Section 10-405	Parades and public assemblies.

SECTION 10-401 DISTURBING THE PEACE

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

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

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
2. Appearing in an intoxicated condition;
3. Engaging in a fistic encounter;
4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
8. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
9. Obstructing, molesting or interfering with any person lawfully in a public place;
10. Making unnecessarily loud, offensive noises;
11. 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

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

C. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

D. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws. (Prior Code, Chapter 14, as amended)

SECTION 10-402 DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

SECTION 10-403 DISORDERLY CONDUCT.

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he:

1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;
2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;
4. Jostles or crowds or pushes any person in any public place;
5. Uses "fighting words" directed toward any person and thus creates a turmoil;
6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or
7. By acts of violence interferes with another's pursuit of a lawful occupation.

State Law Reference: Power of city relating to disorderly conduct, 11 O.S. Sec. 22-110.

SECTION 10-404 UNNECESSARY NOISE PROHIBITED.

A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

B. Permits may be granted by the city for certain activities and events which are exempt from the provisions of this section. (Prior Code, Chapter 14, as amended)

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State Law Reference: City's power to restrain and prohibit unnecessary noise, 11 O.S. Sec. 22-110.

SECTION 10-405 PARADES AND PUBLIC ASSEMBLIES.

A. As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

B. No person shall use any street, alley, public way, park or other property owned or controlled by the city, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the city administrator under such conditions as deemed appropriate.

C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.

D. Not less than one week prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the city. The time requirements may be waived by the city administrator at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the city. The application shall provide such other information as requested.

E. The city administrator shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

2. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

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6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

F. The city administrator, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the city harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.

G. Without regard to the above provision of this division, the city administrator, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

H. The city administrator, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the city administrator. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

State Law Reference: Power of local authorities to regulate assemblies, 47 O.S. Sec. 15-102.

Cross Reference: Funeral processions, Sec. 15-524.

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CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 10-501	Public intoxication.
Section 10-502	Marijuana prohibited.
Section 10-503	Drug paraphernalia.
Section 10-504	Sniffing glue, paint and other substances.
Section 10-505	False representation as blind, crippled or physically defective to obtain money, aid.
Section 10-506	Prowling on premises.
Section 10-507	Misrepresenting age by false documents.
Section 10-508	Obscene, threatening or harassing telephone calls.
Section 10-509	Disorderly house.
Section 10-510	Nudity, improper dress, indecent exposure.
Section 10-511	Gambling and gambling devices.
Section 10-512	Prostitution prohibited.
Section 10-513	Offenses near schools.
Section 10-514	Sleeping in places, property.
Section 10-515	Contributing to delinquency of a minor.
Section 10-516	Tobacco to minor prohibited.
Section 10-517	Curfew for minors-violations-exceptions-defenses.
Section 10-518	Youth access to tobacco ordinance for the city of Piedmont - Furnishing tobacco products or vapor products to minors prohibited.
Section 10-519	Youth access to tobacco ordinance for the city of Piedmont - Purchase and possession of tobacco products or vapor products by person under eighteen (18) years of age.
Section 10-520	Refusal to compel child to attend school.
Section 10-521	Truancy prohibited
Section 10-522	Penalty
Section 10-523	Smoking in Public Places and Indoor Workplaces.

SECTION 10-501 PUBLIC INTOXICATION.

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or nonintoxicating beverage to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

State Law Reference: Drunkards and drunkenness generally, 63 O.S. Secs.2101, et seq.; intoxication in a public place or at a public gathering, 37 O.S. Sec. 8.

Cross Reference: Drinking in public place, see Sees. 3-109 and 3-211 of this code; alcoholic beverages generally, Sees. 3-101 et seq. of this code.

SECTION 10-502 MARIJUANA PROHIBITED.

A. LEGISLATIVE FINDINGS AND PURPOSE:

The City Council of the City of Piedmont, Oklahoma finds that circumstances exist wherein the language and intent of Section 10-502 of the Code of Ordinances for the City of Piedmont, Oklahoma is not consistent with the language and intent contained within the "Uniformed Controlled

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Dangerous Substances Act” as found in Title 63 of the Oklahoma State Statutes. Such inconsistencies render Section 10-502 ineffective in controlling substance abuse, possession, and possession for distribution of certain controlled dangerous substances; specifically marijuana.

Further, the purpose and intent of this Ordinance is to protect the public health, safety and welfare of the citizens of the City of Piedmont, Oklahoma by reducing the danger of drug abuse by making it unlawful for any person to knowingly and intentionally possess marihuana (marijuana).

B. DEFINITIONS.

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

1. “Marihuana” or “Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalk(s) of such plant, or fiber produced from such stalks, oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marihuana (marijuana) plant, any other compound, manufacture, salt, derivative, mixture or including cannabidiol derived from mature stalks, fiber, oil or cake, the sterilized seed of such plant which is incapable of germination.

2. “Practitioner” means:

a. a physician, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this State; or

b. a pharmacy, hospital, laboratory or other institution, licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this State.

C. OFFENSES

It is unlawful for any person knowingly or intentionally to possess marihuana (marijuana) within the City of Piedmont, Oklahoma, unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his or her professional practice; and from an institution licensed in this state to distribute or dispense said controlled dangerous substance.

State Law Reference: Controlled Dangerous Substances Act, 63 O.S. Sees. 2-101, et seq.

SECTION 10-503 DRUG PARAPHERNALIA.

A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing,

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preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act," and adopted by reference herein. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, and
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or Otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;

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- e. Roach clips: meaning objects used to hold binning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs; or
- m. Ice pipes or chiller.

B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- 1. Statements by an owner or by anyone in control of the object concerning its use;
- 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- 3. The proximity of the object, in time and space, to a direct violation of the act;
- 4. The proximity of the object to controlled substances;
- 5. The existence of any residue of controlled substances on the object;
- 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 7. Instructions, oral or written, provided with the object concerning its use;
- 8. Descriptive materials accompanying the object which explain or depict its use;
- 9. National and local advertising concerning its use;
- 10. The manner in which the object is displayed for sale;

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11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

C. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

D. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act

E. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

State Law Reference: Similar provisions, 63 O.S. Sec. 2-101.1

SECTION 10-504 SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

SECTION 10-505 FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

State Law Reference: Offense against public morals being a misdemeanor, 21 O.S. Sec. 22; public decency generally, 21 O.S. Sees. 22.851, et seq.

SECTION 10-506 PROWLING ON PREMISES.

No person shall be upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

State Law Reference: Peeping toms generally, 21 O.S. Sec. 1171.

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SECTION 10-507 MISREPRESENTING AGE BY FALSE DOCUMENTS.

No person shall, for the purpose of violating any statutes of the state or any ordinances of the city, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

State Law Reference: Misrepresentation of age by false documents, 21 O.S. Sees. 15181520.

Cross Reference: Misrepresentation of age by false or altered documentation for purpose of obtaining alcoholic and nonintoxicating beverage, Sees. 3-109 and 3-213.

SECTION 10-508 OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS.

A. No person shall by means of a telephone, willfully:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;
 2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number,
 3. Permit any telephone under his control to be used for any purpose prohibited by this section;
- or
4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.

B. Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

State Law Reference: Telephone calls, 21 O.S. Sec. 1172.

SECTION 10-509 DISORDERLY HOUSE.

A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic and nonintoxicating beverages as defined by law;
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; or
4. The violation of any state statute or city ordinance prohibiting gambling.

B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

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C. 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, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

D. 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 such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

State Law Reference: Municipal power to regulate disorderly houses and indecencies, 11 O.S. Sec. 22-109.

Cross Reference: See also Sec. 10-513 on prostitution.

SECTION 10-510 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;
2. Appear in any public place in the city in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person.

(Prior Code, Chapter 14, as amended)

State Law Reference: Similar provisions, 21 O.S. Sec. 1021.

SECTION 10-511 GAMBLING AND GAMBLING DEVICES.

A. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.

B. Any person who bets on or plays at any of the prohibited games mentioned in subsection A above, or otherwise gambles, is guilty of an offense.

C. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.

D. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked,

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wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest

E. It is unlawful for any person to play any prohibited game described in this section.

F. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the city, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.

G. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.

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

I. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law. (Prior Code, Chapter 14, as amended)

State Law References: Gambling generally, 21 O.S. Sees. 941 et seq.; punishment for betting on or playing prohibited game, 21 O.S. Sec. 942, bingo generally, 21 O.S. Sees. 995.1 et seq; Oklahoma Horseracing Act, 3A O.S. Sees. 200 et seq; disposition of equipment used for gambling, 21 O.S. Sec. 943; search and seizure of equipment used for gambling, 21 O.S. Sec. 916; 22 O.S. Sees. 1261 et seq.

SECTION 10-512 PROSTITUTION PROHIBITED.

A. As used in this section, "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.

B. It is unlawful:

1. To engage in prostitution, lewdness or assignation;
2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
3. To aid, abet or participate in the doing of any of the acts herein prohibited.

C. No person shall in any way or manner whatever, keep, harbor or house any prostitute.

D. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.

E. No person shall keep or maintain a house of prostitution or house of assignation.

F. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the city, or knowingly permit the same to be so used.

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G. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.

H. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.

I. No person shall direct, take or transport or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

J. It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer, that such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

K. For the purpose of this section, a "known prostitute or procurer" is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution or soliciting for the purpose of prostitution unlawful. (Prior Code, Chapter 14, as amended)

State Law Reference: Definition of prostitution, 21 O.S. Sec. 1030; Soliciting, 21 O.S. 1029; pimping, 21 O.S. 1081.

SECTION 10-513 OFFENSES NEAR SCHOOLS.

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

1. Any conduct that would disturb the orderly conduct of the school;
2. Annoying or molesting any student or employee of the school;
3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;
4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or
5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

SECTION 10-514 SLEEPING IN PLACES. PROPERTY.

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

SECTION 10-515 CONTRIBUTING TO DELINQUENCY OF A MINOR.

A. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.

B. Any person who shall knowingly or wilfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense. (Prior Code, Chapter 14, as amended)

State Law Reference: Contributing to delinquency of minors, 21 O.S. 856 et seq.

SECTION 10-516 TOBACCO TO MINORS PROHIBITED.

It is unlawful and an offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form. (Prior Code, Chapter 14, as amended)

SECTION 10-517 CURFEW FOR MINORS – VIOLATIONS – EXCEPTIONS – DEFENSES

A. LEGISLATIVE FINDINGS AND PURPOSE:

The City Council of the City of Piedmont, Oklahoma finds that special circumstances exist within the city that call for the special regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease nocturnal crime rates.

B. DEFINITIONS.

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

1. Curfew Hours means:

- a) 12:01 A.M. until 6:00 A.M. on any Monday, Tuesday, Wednesday, Thursday, or Friday; and
- b) 1:00 A.M. until 6:00 A.M. on any Saturday or Sunday.

2. 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.

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

4. Guardian means:

- a) A person who, under court order, is the Guardian of the person of a juvenile; or
- b) A public or private agency with whom a juvenile has been placed by a statutorily permitted authority such as a court or judge.

5. Minor means: Any unemancipated or unmarried person under the age of eighteen (18) years of age.

6. Emancipated minor means: A minor who no longer has a parent-child relationship as a result of marriage, or as a result of being recognized as an adult by order of a court of competent jurisdiction.

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

8. Public Place means: Any publicly or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor or, the residence of a minor's parent or a responsible adult.

9. City means: The City of Piedmont, Oklahoma.

10. Responsible Adult means: Any person having, assuming, or charged with permanent and/or temporary care and/or custody of a juvenile.

11. Knowingly 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 said person by exercise of reasonable care would have known that the juvenile is in violation of the curfew hours.

12. Legitimate parentally approved errand means: A minor performing a necessary task at the direction of the minor's parent, and that the nonperformance of the errand, or delay of performance until after curfew hours have abated, would result in injury or undue hardship.

C. OFFENSES.

1. A minor commits an offense if he/she is upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or rides in or upon, drives or otherwise operates or is a passenger of any automobile, bicycle, or other vehicle travelling or standing in, upon, over or through the streets, or other public places between the hours set herein.

2. A parent and/or other responsible adult of a juvenile commits an offense if he/she knowingly permits or allows the juvenile to be upon the streets, sidewalks, parks, playgrounds,

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public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle, or other vehicle travelling in, upon over or through the streets, or other public places between the hours set herein within the corporate City limits of the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if he knowingly permits or allows a juvenile to be upon the premises of the establishment during curfew hours.

D. DEFENSES.

1. It is a defense to prosecution under Section 10-517 that the juvenile was at the time in question:

a) Accompanied by the juvenile's parent, legal guardian, or responsible adult;

b) When accompanied by an adult authorized by a parent of such juvenile to take the parent's place accompanying the juvenile for a designated period of time, date and purpose with a specified area. The authorized adult shall possess a written communication signed by the juvenile, countersigned by the parent/legal guardian of such juvenile which would include their home address and telephone number. The authorized adult shall have this communication from the minor's parent/guardian in his/her possession;

c) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such juvenile shall evidence the bona fides of such exercise by possessing a written communication, signed by such juvenile and countersigned by a parent or legal guardian of such juvenile, with their home address and telephone number, specifying times and dates when and where and in what manner the juvenile will be on the streets and other public places at night (during hours when the curfew regulations are otherwise applicable to the juvenile) in the exercise of a First Amendment right specified in such communication;

d) The juvenile is on an errand, specific business or activity of an emergency nature directed or permitted by his/her parent(s);

e) If the juvenile has in the juvenile's possession a written communication signed by the juvenile, and countersigned by a parent or legal guardian of such juvenile evidencing their home address and telephone number, and establishing such reason relating to a direct route for a designated time for a described purpose including points or origin and destination. Each communication will also note the date and time limits the reason will encompass;

f) When the juvenile is on the sidewalk of the place where such juvenile resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer;

g) When returning home, by a direct route, from (and within forty-five minutes of the termination of) a school activity, or an activity of a religious or a voluntary association, provided the juvenile has a written communication in the minor's possession, countersigned by the parent or legal guardian indicating the home address and telephone number, the purpose for the event, when, where, and in what manner the juvenile will be on the streets at night;

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h) Upon being petitioned the city council may authorize by regulation a relaxation of the curfew in other matters of reasonable necessity and is determined to be consistent with the public interest and the purposes of these curfew regulations. Normally such regulation by the city council permitting use of the streets or public places should be issued sufficiently in advance to permit appropriate notification of agencies, such as the schools, and the media when appropriate. The regulation shall define the activity, the scope of the use of the streets or public places permitted, the period of time involved, not to extend more than forty-five minutes beyond the time for termination of such activity;

i) When the juvenile is within the scope of his employment and carries a certified card or some other form indicating employment, briefly identifying the juvenile, the addresses and telephone numbers of his home and his place of employment and his hours of employment or carries a valid proof of employment;

j) Whenever the juvenile is engaged in interstate or intrastate vehicular travel with consent of a parent or legal guardian. This contemplates normal travel and clearly exempts bona fide interstate movement through the city, particularly on normal routes; or

k) When the juvenile is lawfully married or had been married or otherwise had the disabilities of minority removed in accordance with state law.

2. It is further an affirmative defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notifies the police that a juvenile was/is present on the premises of the establishment during curfew hours, and that such juvenile refuses to leave.

E. ENFORCEMENT.

A police officer of the city, upon finding or having attention called to any juvenile on the streets in prima facie violation of the curfew regulations, normally shall take the juvenile to the city police station, or other place designated by the chief of police, where a parent, or legal guardian, shall immediately be notified to come for such juvenile, whereupon they may be questioned about the necessary facts constituting a violation of these regulations. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defense is provided for in this section is present. A suspected violation of this ordinance shall not be the primary purpose for a vehicular stop by the police department.

F. PENALTIES.

A person who violates a provision of the Article 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 Two Hundred Thirty (\$230.00) dollars; Sixty-four (\$64.00) dollars in court costs, and if appropriate, any administrative fee(s) as the Court may deem just and appropriate. The Court may in the alternative, require community service work prescribed by the Court in lieu of a fine if the product of multiplying the number of minimum hours of community service work by the prevailing wage does not result in a number which exceeds the maximum fine authorized by law.

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SECTION 10-518 YOUTH ACCESS TO TOBACCO ORDINANCE FOR THE CITY OF PIEDMONT - FURNISHING TOBACCO PRODUCTS OR VAPOR PRODUCTS TO MINORS PROHIBITED.

1. Any person who shall furnish to any minor by gift, sale, or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, other form(s) of tobacco product(s), or any vapor product(s) shall be guilty of an offense.
2. Any persons who shall aid or assist any minor in purchasing tobacco product(s) or vapor product(s) shall be guilty of an offense.

SECTION 10-519 YOUTH ACCESS TO TOBACCO ORDINANCE FOR THE CITY OF PIEDMONT - PURCHASE AND POSSESSION OF TOBACCO PRODUCTS OR VAPOR PRODUCTS BY PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.

1. It is unlawful for any person who is under eighteen (18) years of age to purchase, accept receipt of, or have in their possession a tobacco product(s), and/or vapor product(s), or to present or offer to any person any purported proof of age which is false or fraudulent, for purposes of purchasing or receiving any tobacco product or vapor product. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco product(s) and/or vapor product(s) when required in the performance of employee's duties.
2. "Tobacco Product(s)" shall mean any product containing tobacco intended for human consumption.
3. "Vapor Product(s)" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor Product(s)" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor Product(s)" do not include any products regulated by the United State Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

SECTION 10-520 REFUSAL TO COMPEL CHILD TO ATTEND SCHOOL.

- A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (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 (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident 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 (6) years of age.

SECTION 10-521 TRUANCY PROHIBITED.

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private, or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any 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 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 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 eighteen (18) years;

4. If any 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 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; or

5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.

C. 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 shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

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SECTION 10-522 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 Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child, or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

SECTION 10-523 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES.

A. DEFINITIONS

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

- (a) *Indoor workplace* means 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;
- (b) *Electronic smoking device* means an 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;
- (c) *Outdoor area* means any covered area, partially covered area or area open to the sky that is on a property owned by the city.

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- (d) *Public place* means 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;
- (e) *Restaurant* means any eating establishment regardless of seating capacity;
- (f) *Recreational area* means any area that is owned, controlled or used by the City of Piedmont and open to the general public for recreational purposes, regardless of any fee or age requirement. The term 'Recreational Area' includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, beaches surrounding lakes and skateboard parks.
- (g) *Smoking* means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device;
- (h) *Stand-alone bar, stand-alone tavern, and cigar bar* mean an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under 21 years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes 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; and
- (i) *Tobacco product* means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco Product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

B. PROHIBITION OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES IN CERTAIN PLACES PROHIBITED

- (a) 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.
- (b) All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including electronic smoking devices.

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- (c) All indoor and outdoor recreational areas owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including electronic smoking devices.

C. EXEMPTIONS

The restrictions provided in Section II 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 25 percent of the guest rooms 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 or more smokers, if the workplace has only incidental public access;
- (g) private offices occupied exclusively by one 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 child care 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 15 feet of any exterior public doorway or any air intake of a restaurant.

D. DESIGNATED SMOKING ROOMS AND AREAS

- (a) An employer not otherwise restricted from doing so under this article 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.
- (b) If smoking is to be permitted in any space exempted in Section III of this article or in a smoking room pursuant to Subsection (a) 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 15 feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- (c) A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building.
- (d) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage 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 25 feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

E. POSTING

- (a) 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 inches by two inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.
- (b) Responsibility for posting signs or decals shall be as follows:
 - (1) in privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
 - (2) in corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (3) in publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

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F. VIOLATION AND PENALTY

Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$10.00 nor more than one hundred dollars (\$100.00).

G. 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:

- (a) post signs at entrances to places where smoking is prohibited which state that tobacco use is prohibited or that the indoor environment is free of tobacco smoke; and
- (b) ask tobacco users to refrain from using any form of tobacco products, including electronic smoking devices upon observation of anyone violating the provisions of this act.

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CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Escaping custody.
Section 10-602	Conveying instruments to assist escape.
Section 10-603	Assisting prisoner to escape.
Section 10-604	Assaulting city officer.
Section 10-605	Delivery of articles to person in confinement.
Section 10-606	Resisting a police officer.
Section 10-607	Citizens' duty to assist.
Section 10-608	Obedience to orders of police and firefighter.
Section 10-609	Eluding police officer by motor vehicle.
Section 10-610	Use of siren or whistle.
Section 10-611	Impersonating a police officer or any city officer.
Section 10-612	False statements, reports or complaints.
Section 10-613	False alarms.
Section 10-614	Removal of barricades.
Section 10-615	Resisting public officials.
Section 10-616	Duties of the public at fires, emergencies.
Section 10-617	Tampering with signs, equipment.
Section 10-618	Interference with police dog performing functions or duties.
Section 10-619	Destroying, tampering with evidence.

SECTION 10-601 ESCAPING CUSTODY.

No person lawfully in custody or confined in the city jail, before or after conviction for any violation of the ordinances of the city, or held in custody going to the city jail, or working upon the streets or other public grounds of the city or in custody of any officer of the city, shall break or attempt to break such city jail or custody, and escape or attempt to escape therefrom. (Prior Code, Chapter 14, as amended)

SECTION 10-602 CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

No person shall convey into the city jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the city jail for any violation of the city ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 10-603 ASSISTING PRISONER TO ESCAPE.

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the city. (Prior Code, Chapter 14, as amended)

State Law Reference: Assisting prisoner to escape, 21 O.S. Secs. 437, 441.

SECTION 10-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner. (Prior Code, Chapter 14, as amended)

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SECTION 10-605 ASSAULTING CITY OFFICER.

No person shall knowingly commit any assault, battery or assault and batter any city official or police officer or firefighter while in the performance of their duties. (Prior Code, Chapter 14, as amended)

State Law Reference: Assaulting law officer, 21 O.S. Secs. 649, 650.

SECTION 10-606 RESISTING A POLICE OFFICER.

A. It is unlawful to resist, oppose or assault, prevent, fail to cooperate with or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or

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

(Prior Code, Chapter 14, as amended)

SECTION 10-607 CITIZENS' DUTY TO ASSIST.

It is the duty of all persons in the city when called upon by any police officer to promptly aid and assist him in the execution of his duties. (Prior Code, Chapter 14, as amended)

SECTION 10-608 OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER.

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

SECTION 10-609 ELUDING POLICE OFFICER BY MOTOR VEHICLE.

No operator of a motor vehicle who has received a visual or audible signal, a red light or

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a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

SECTION 10-610 USE OF SIREN OR WHISTLE.

A. No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.

B. No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

SECTION 10-611 IMPERSONATING A POLICE OFFICER OR ANY CITY OFFICER.

A. No person, other than police officers of the city, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the city.

B. No person shall do or attempt any act to impersonate a police officer.

C. It is unlawful to falsely impersonate any officer or employee of the city, or falsely represent himself to be an officer or employee of the city, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being authorized to do so. (Prior Code, Chapter 14, as amended)

State Law Reference: Impersonating public officers, 21 O.S. Secs. 263, 264, 1533.

SECTION 10-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS.

A. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the city, or on any official application or to commit perjury before any tribunal of the city.

B. No person shall wilfully and without probable cause make a false report to any person of any crime, violation of the city's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

SECTION 10-613 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, police department or any other emergency personnel, or summon any officer or employee thereof with reference to any fire alarm or reported

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fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. (Prior Code, Chapter 14, as amended)

SECTION 10-614 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. (Prior Code, Chapter 14, as amended)

SECTION 10-615 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

1. 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 official duties;
2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

(Prior Code, Chapter 14, as amended)

SECTION 10-616 DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES.

A. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.

B. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.

C. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department, and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.

D. No person shall follow or block the way of any emergency vehicle engaged in emergency run, or knowingly interfere with officers at the location of any fire or emergency. (Prior Code, Chapter 14, as amended)

State Law Reference: Interfering with firefighters 21 O.S. Sec. 127.

SECTION 10-617 TAMPERING WITH SIGNS, EQUIPMENT.

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the city in connection with the administration of its code

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provisions, ordinances, regulations, services, functions or performance of duties thereto. (Prior Code, Chapter 14, as amended)

Cross Reference: See also tampering with public utilities, Section 10-314.

SECTION 10-618 INTERFERING WITH POLICE DOG IN PERFORMING FUNCTIONS OR DUTIES

It is unlawful and an offense for any person to interfere with, tease, meddle with, throw objects at or toward, torture, torment, injure, beat, strike, kick, mutilate, disable or kill any dog used by the police department of the city, or any member thereof, in the performance of the functions or duties of the department. (Prior Code, Chapter 14, as amended)

SECTION 10-619 DESTROYING, TAMPERING WITH EVIDENCE

It is unlawful to destroy, alter, conceal or disguise physical evidence, plant false evidence or furnish false information to an officer which impedes that or another officer in the performance of his duties, or which is intended to prevent the apprehension or to obstruct the prosecution or defense of any person. (Prior Code, Chapter 14, as amended)

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CHAPTER 7

WEAPONS AND FIREARMS

Section 10-701	Definitions.
Section 10-702	Carrying Weapons; exceptions.
Section 10-703	Sale of weapons to and possession of weapons by minors.
Section 10-704	Weapons prohibited in certain places.
Section 10-705	Duty to carry license and disclose possession of concealed weapon.
Section 10-706	Pointing weapon at another.
Section 10-707	Conditions under which firearms may be carried.
Section 10-708	Firearms in vehicles.
Section 10-709	Transporting loaded firearm in vehicles.
Section 10-710	Carrying concealed weapons conditions.
Section 10-711	Carrying weapons under influence of alcohol and drugs.
Section 10-712	Furnishing firearms to mentally incapacitated or insane persons.
Section 10-713	Reckless conduct.
Section 10-714	Selling or transferring firearms to certain persons prohibited.
Section 10-715	Discharging firearms, air rifles, BB guns, pellet guns, exceptions.

SECTION 10-701 DEFINITIONS.

As used in this chapter:

1. "Pistol" means any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury with a barrel or barrels less than sixteen (16) inches in length and using either gunpowder, gas, or any means of rocket propulsion, but not to include flare guns, underwater fishing guns, or blank pistols.

2. "Rifle" means any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury with a barrel or barrels more than sixteen (16) inches in length and using either gunpowder, gas, or any means of rocket propulsion, but not to include archery equipment, flare guns, or underwater fishing guns. In addition, any rifle capable of firing shot but primarily designed to fire single projectiles will be regarded as a rifle.

3. "Shotgun" means any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury with a barrel or barrels more than eighteen (18) inches in length and using either gunpowder, gas, or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any shotgun capable of firing single projectiles but primarily designed to fire multiple projectiles such as shot will be regarded as a shotgun.

(Prior Code, Sec. 14-17)

SECTION 10-702 CARRYING WEAPONS—EXCEPTIONS.

It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun, or rifle whether loaded or unloaded, or any dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, billy, hand chain, metal knuckles, or any other type of offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit the proper use of guns and knives for hunting, fishing, educational, or recreational purposes, and shall not prohibit the carrying or any use of weapons in a manner otherwise permitted by statute or as may be authorized by the Oklahoma Self-Defense Act, Section 1 through 25, when the person possesses a valid handgun license.

**SECTION 10-703 SALE OF WEAPONS TO AND POSSESSION OF WEAPONS
BY MINOR.**

A. It shall be unlawful for any person within this state to sell or give to any child any of the arms or weapons designated in Section 10-702 of this ordinance; provided, the provisions of this section shall not prohibit a parent from giving his or her child a rifle or shotgun for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap, or other recognized sporting events, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her child to possess any of the arms or weapons designated in Section 10-702 of this ordinance, including any rifle or shotgun, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense, or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense.

C. It shall be unlawful for any child to possess any of the arms or weapons designated in Section 10-702 of this title, except rifles or shotguns used for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap, or other recognized sporting event. Provided, the possession of rifles or shotguns authorized by this section shall not authorize the possession of such weapons by any person who is prohibited by state law from possessing certain weapons.

D. As used in this section, "child" means a person under eighteen (18) years of age.

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SECTION 10-704 WEAPONS PROHIBITED IN CERTAIN PLACES.

A. It shall be unlawful for any person having a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed handgun into any of the following places:

1. Any city hall, county courthouse, state offices or buildings, or federal offices or buildings.
2. Any meeting of any municipal, county, state, or federal officials, or any meeting of school board members, legislative members, or any meeting of other elected or appointed officials which is open to the public.
3. Any prison, jail, detention facility, or any facility used to hold or house arrested persons, prisoners, or persons alleged delinquent or adjudicated delinquent.
4. Any college or university facility. Provided, however, a person may carry a concealed handgun pursuant to a valid license as authorized by the Oklahoma Self-Defense Act with the permission of the president of the college or university.
5. Any other place specifically prohibited by law.
6. Any property where the owner, tenant, employer, or other person or entity owning or controlling such property has conspicuously placed signs at the entrances to said property stating that the possession of weapons on the property is prohibited.

B. The provisions of subsection A of this section shall not apply to any law enforcement officer or to any person authorized by law to carry a pistol in the course of their employment.

SECTION 10-705 DUTY TO CARRY LICENSE AND DISCLOSE POSSESSION OF CONCEALED WEAPON.

A. It shall be unlawful for any person carrying a concealed handgun in this City to fail to have possession of his or her valid handgun license issued by the state and a valid Oklahoma driver's license or an Oklahoma State photo identification.

B. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed handgun pursuant to the Oklahoma Self-Defense Act when the person first comes in contact with any law enforcement officer of the State or its political subdivisions, or a federal law enforcement officer during the course of any arrest, detainment, or routine traffic stop.

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SECTION 10-706 POINTING WEAPON AT ANOTHER.

Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon, whether loaded or not, at any other person or persons, except as authorized expressly in the Oklahoma Self-Defense Act or the Oklahoma Firearms Act.

SECTION 10-107 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED.

A. A person shall be permitted to carry loaded and unloaded shotguns, rifles, and pistols, open and not concealed, and without a handgun license as authorized by the Oklahoma Self-Defense Act, pursuant to the following conditions:

1. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap, or other recognized sporting event.
2. During participation in or in preparation for 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.
3. During participation in, or in preparation for, a recognized police function of either a municipal, county, or state government as functioning police officials.
4. During a practice for or a performance for entertainment purposes.
5. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17, or any legislative enactment regarding the use, ownership, and control of firearms.

B. A person shall be permitted to carry unloaded shotguns, rifles, and pistols, open and not concealed and without a handgun license as authorized by the Oklahoma Self-Defense Act pursuant to the following conditions:

1. When going to or from the person's private residence or vehicle, or a vehicle in which the person is riding as a passenger, to a place designated or authorized for firearms repairs or reconditioning, or for firearms trade, sale, or barter, or gunsmith, or hunting animals or fowl, or hunter safety course, or target shooting, or skeet or trap shooting, or any recognized firearms activity or event, and while in such places.
2. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17.

C. The provisions of this section shall not be construed to prohibit educational or recreational activities, exhibitions, displays, or shows involving the use or display or

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rifles, shotguns, pistols, or other weapons if the activity is approved by the property owner and sponsor of the activity.

SECTION 10-708 FIREARMS IN VEHICLES.

A person may transport in a motor vehicle in a rifle, shotgun, or pistol, open and unloaded, at any time. For purposes of this section "open" means the firearm is transported in plain view, in a case designed for carrying firearms, which case is wholly or partially visible, in a gun rack mounted in the vehicle, in an exterior locked compartment, or a trunk of a vehicle.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein any person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a concealed handgun and is carrying a concealed handgun or has concealed the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 10-709 TRANSPORTING LOADED FIREARM IN VEHICLE.

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act, or another provision of law of this State, it shall be unlawful to transport a loaded pistol, rifle, or shotgun in a landborne 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 an exterior, locked compartment of the vehicle or trunk of the vehicle.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person is licensed pursuant to the Oklahoma Self-Defense Act, to carry a concealed handgun and is carrying a concealed handgun or has concealed the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 10-710 CARRYING CONCEALED WEAPONS CONDITIONS.

A. Any state, county, municipal, or federal peace officer retired due to length of service and who is receiving retirement benefits may carry a concealed pistol pursuant to the provisions of the Oklahoma Self-Defense Act. The person shall be required to comply with the Oklahoma Self-Defense Act.

B. It shall be unlawful for any person to carry a concealed handgun in this state except as authorized by the Oklahoma Self-Defense Act, or as may otherwise be authorized by other applicable state law.

SECTION 10-711 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL AND DRUGS.

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It shall be unlawful for any person to carry or use shotguns, rifles, or pistols in any circumstances while under the influence of beer, intoxicating liquors, or any hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person 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.

SECTION 10-712 FURNISHING FIREARMS TO MENTALLY INCAPACITATED 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 or mental incompetence, or to any person who is a moron, idiot, or is insane.

SECTION 10-713 RECKLESS CONDUCT.

It shall be unlawful for any person to engage in reckless conduct while having in his or her 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 10-714 SELLING OR TRANSFERRING FIREARMS TO CERTAIN PERSONS PROHIBITED.

It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns, or pistols to any convicted felon or any adjudicated delinquent, and it shall be unlawful for any person within this state to knowingly sell, trade, give, transmit, or otherwise cause the transfer of any shotgun, rifle, or pistol to any individual who is under the influence of alcohol or drugs, or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading, or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade, or transfer.

SECTION 10-715 DISCHARGING FIREARMS, AIR RIFLES, BB GUNS, PELLET GUNS—EXCEPTIONS.

It is unlawful for any person to discharge a firearm, air rifle, BB guns, or pellet gun within the corporate limits of the City of Piedmont, except under the following conditions:

1. When necessary in the line of duty by law enforcement official.
2. When lawfully discharged in defense of oneself, of another person, or of one's property.

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3. When engaged in an organized competition event such as skeet shoots, trap shoots, turkey shoots, etc., provided such event does not create an unreasonable risk of harm to another.
4. While lawfully engaged in hunting and only under the following conditions:
 - (a) The hunting shall be lawful under all applicable state and federal laws.
 - (b) No discharge of rifles shall occur within 500 feet of any structure designed, used, or intended for human occupancy. No discharge of shotguns shall occur within 300 feet of any structure designed, used, or intended for human occupancy.
 - (c) No person shall discharge firearms within 400 yards of any church, schoolhouse, or other public place where people may assemble so as to disturb such assemblage. No person shall shoot from or across a public road, highway, or railroad right-of-way.
 - (d) A hunter on property not owned by the hunter shall carry on his person written permission to hunt signed by the owner or lessee of the land on which the hunt is occurring. This shall apply to all property, whether resided upon by persons or not.

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