

CHAPTER 14

OFFENSES

Article 1. Offenses: General

Sec. 14-1-1. Penalty, penalty assessment, court costs, lab fees.

- (A) Any person, firm or corporation who violates any provision of this chapter, any other provision of this code, or any provision of any ordinance passed after this Code goes into effect, shall be guilty of an offense, or misdemeanor, and shall upon conviction be fined in an amount not to exceed two hundred dollars (\$200.00), except in cases where different punishment is now or may be hereafter prescribed by ordinance, plus court costs. Each day's continuation of an offense or misdemeanor shall be deemed a separate offense, or misdemeanor and shall be punishable as such.
- (B) Court costs for offenses or misdemeanors for violations of any provisions of this chapter, any provision of this code, or any provision of any ordinance passed after this code goes into effect are to be assessed in an amount not to exceed twenty-three dollars (\$23.00).
- (C) The court may assess court costs for the violation of any provision of this chapter, any provision of this code, or any ordinance passed after this code goes into effect, even though the penalty provision may not specifically provide for court costs.
- (D) Any person convicted of an offense or misdemeanor punishable by a fine of ten dollars (\$10.00), or more, or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense or misdemeanor, shall be ordered by the court to pay Four Dollars (\$4.00) as a separate penalty assessment and one hundred fifty dollars (\$150.00) as an Oklahoma State Bureau of Investigation Laboratory Analysis fee if applicable pursuant to subsection (e) of this section, which assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense or misdemeanor. The court shall provide for separate bail for the penalty assessment. A defendant admitted to bail on an undertaking by a surety may include the amount of the penalty assessment in the undertaking.
- (E) Any person convicted of any offense or misdemeanor shall pay to the Oklahoma State Bureau of Investigation Laboratory Analysis fee in the amount of one hundred fifty dollars (\$150.00) for each offense or misdemeanor if forensic science laboratory services are rendered by the Oklahoma State Bureau of Investigation in connection with the case. (Ord. No. 1908, 12/10/87.)

Sec. 14-1-2. 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. (Code 1972, Sec. No. 14-2.)

Sec. 14-1-3. 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. *(Code 1972, 14-3)*

Article 2. Offenses Against Decency, Morality, and Public Policy

Sec. 14-2-1. Gambling prohibited.

It is unlawful for any person, firm or corporation, or agent or employee thereof, to play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards or any device, for money, checks, chips, credit or any other thing of value; to set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other thing of value are played, when the act of playing the same might result in gain or loss to the party playing; or to gamble knowingly in any other manner; or knowingly to permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section. Provided that this section shall not prohibit bingo when conducted under the auspices of a nonprofit organization. *(Code 1972, Sec. No. 14-4)*

Sec. 14-2-2. Loitering about place where gambling is going on.

It is unlawful for any person to loiter about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. *(Code 1972, Sec. No. 14-5)*

Sec. 14-2-3. 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. *(Code 1972, 14-6)*

Sec. 14-2-4. False or bogus checks.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of fifty dollars (\$50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided further that the check or order is presented for payment within thirty (30) days after same is delivered and accepted. *(Code 1972, 14-7)*

Sec. 14-2-5. Begging prohibited.

It is unlawful for any person to beg alms from any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need. *(Code 1972, Sec. 14-10.)*

Sec. 14-2-6. Curfew of minors.

(A) Title. This article shall be known and may be cited as the “Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places.”

(B) Definitions. For the purposes of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein.

(1) “City” is the City of Chickasha, Grady County, Oklahoma.

(2) “Minor” is any person under the age of eighteen (18).

(3) “Parent” is any person having legal custody of a minor: (i) as a natural or adoptive parent (ii) as a legal guardian (iii) as a person who stands in *loco parentis*; or (iv) as a person to whom legal custody has been given by order of the court.

(4) “Public place” shall mean any street, alley, highway, sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

(5) “Remain” means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

(6) “Street” is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

(7) “Time of night” referred to herein is based upon the prevailing standard time, whether Central Standard Time or Central daylight savings time, generally observed at that hour by the public.

(8) “Year of age” continues from one birthday, such as the seventeenth (17) to (but not including the day of) the next, such as the eighteenth (18) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase “under eighteen (18) years of age”.

(C) Curfew hours. It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets or public places within the city of Chickasha at night during the period ending 6:00 a.m. and beginning:

(1) At 10:00 p.m. for minors fifteen (15) years of age or younger.

(2) At 12:00 midnight for minors over fifteen (15) years of age on Sunday through Thursday.

(3) At 1:00 a.m. on Saturday morning and Sunday morning for minors more than fifteen (15) years of age.

(D) Exceptions. In the following exceptional cases a minor on a city street or in a public place during the nocturnal hours for which section 14-2-6(c) is intended to provide the maximum limits of regulation shall not, however, be considered a violation of the curfew ordinance.

(1) When accompanied by a parent of such minor.

(2) When accompanied by an adult authorized by a parent of such minor to take said parent’s place accompanying said minor for a designated period of time, date, and purpose within a specified area.

(3) 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 minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent or legal guardian of such minor with their home address and telephone number, specifying when, and where and in what manner said minor will be on the streets and other public places at night (during hours when the curfew ordinance is otherwise applicable to said minor) in the exercise of a first amendment right specified in such communication.

(4) In case of reasonable necessity, but only if the minor has in said minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination.

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.

(6) When returning home, by a direct route, from (and within thirty (30) minutes of the termination of) a school activity, or an activity of a religious or voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner said minor will be on the streets at night.

(7) When authorized by regulation issued by the city council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the city council permitting use of the streets and/or public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets and/or public places permitted, the period of time involved, not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this curfew ordinance.

(8) When the minor carries a certified card of employment briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment, which may include the latest payroll, receipt not over thirty (30) days old.

(9) Whenever the minor is, with parental consent in a motor vehicle. This contemplates normal travel and clearly exempts bona fide interstate movement through the city, particularly on normal routes.

(E) Parental responsibility. It shall be unlawful for a parent, or other person, having legal custody of a minor knowingly to permit or by inefficient control to allow, such a minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of the curfew ordinance. The term "knowingly" includes knowledge which a parent, or legal guardian, should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall a *fortior*, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(F) Responsibility of owners of public places. It shall be unlawful for any person operating or having charge of any public place to knowingly allow,

permit, or suffer the presence of minors in violation of the curfew established by this article.

Sec.14-2-7 Police procedures and penalty.

(A) Upon finding or having attention called to any minor on the streets in a *prima facie* violation of the curfew ordinance, a police officer of the city shall normally take the minor to the city police station, or other place designated by the chief of police, where a parent, shall immediately be notified to come for such minor, whereupon they shall be interviewed. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age.

(1) Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age near home whose identity may readily be ascertained or is known.

(2) In any event such police officer shall within twelve (12) hours, file a written report with the chief of police. Said report shall be treated for purposes of juvenile records in accordance with State Statutes.

(3) When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

(4) In the case of a first violation by a minor the chief of police shall cause to be personally delivered or by certified mail, sent to a parent, or legal guardian, written notice of said violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties.

(B) If after the warning notice pursuant to Section 14-2-7(a)(4) of a first violation by a minor, a parent violates Section 14-2-6(e) (in connection with a second violation by said minor), this shall be treated as an offense by the parent and the minor. The penalty upon a plea of guilty, nolo contendere, or finding of guilt shall be a fine of two hundred dollars (\$200.00) plus costs.

Sec. 14-2-8 Truancy.

(1) 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 of age to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private, or other school.

(2) It shall be unlawful for any child who is over the age of sixteen (16) 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 that the

schools of the district are in session; provided that this section shall not apply if any such child:

- (a) Is prevented from attending school by reason of mental or physical ability, to be determined by the board of education of the district, upon certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;
- (b) Is excused from attendance at school, due to an emergency, by the principal or the child's teacher of the school in which the child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
- (c) Who has attained his or her sixteenth birthday is excused from attending school by the school administrator of the school district where the child attends school, and the parent, guardian or custodian of the child, provided further, that no such 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 such child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years. (*Ord. No. 97-22, 10-20-97*)

Sec. 14-2-9. Prostitution.

It is unlawful for any person to offer, submit, or give himself or herself to a lewd or immoral use, such as illicit sexual intercourse, or to engage in any lewd or immoral act, for money or any other thing of value. (*Code 1972, Sec. 14-14.*)

Sec. 14-2-10. Immoral conduct, consorting, loitering.

It is unlawful for any person to engage in illicit sexual intercourse or any other immoral act, or knowingly to consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, or to occupy any room for an immoral purpose, whether in a public or private place in the city, or to loiter about a house or place of prostitution or a house or place devoted to lewd or immoral acts. (*Code 1972, Section 14-15.*)

Sec. 14-2-11. Keeping a house of prostitution, etc.

It is unlawful for any person, firm or corporation, or any agent or employee thereof, to keep or assist in keeping a house of prostitution or a house or place in the city where persons meet or assemble for illicit sexual intercourse or for any lewd or immoral purpose; or knowingly to permit a prostitute or other person of an immoral vocation to become or remain a guest in a hotel or rooming house. (*Code 1972, Section 14-16*)

Sec. 14-2-12. Residing in a house of prostitution, etc.

It is unlawful for any person to be an inmate or resident of a house of prostitution or of a house or place devoted to lewd or immoral acts. (*Code 1972, Section 14-17*)

Sec. 14-2-13. Pimps, etc.

It is unlawful for any person to act as a pimp, or procurer, for any house or place of prostitution or for any prostitute or other person engage in an immoral vocation, or to procure, assist in procuring or attempt to procure any person for another for illicit sexual intercourse or for any other immoral purpose. (*Code 1972, Sec. 14-18.*)

Sec. 14-2-14. Disorderly conduct; disturbing the peace; harassing phone calls.

(1) It or other by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive, or abusive language, or by conducting oneself in a disorderly manner.

- (2) It shall be unlawful for any person to use a telephone to:
- (a) Make any obscene, lewd, lascivious, filthy, or indecent comment, suggestion, or proposal;
 - (b) shall be unlawful for any person to engage in disorderly conduct, disturb the peace of another Make a telephone call without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;
 - (c) Knowingly permit any telephone under his control to be used for any purpose prohibited in this Subsection; or
 - (d) In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number. (*Ord. No. 97-22, 10-20-97*)

Sec. 14-2-15. Nudity, improper dress, indecent exposure.

It is unlawful for any person to appear in any public place in the city in a state of nudity or in any offensive, indecent, or lewd dress; or to make an indecent public exposure of his or her person. (*Code 1972, Sec. 14-20.*)

Sec. 14-2-16. Unseemly conduct; acts detrimental to good morals.

It is unlawful for any person to conduct himself or herself in lewd or indecent manner or in a manner offensive to the good morals of the city, or to perform any act, which is detrimental to the good morals of the city, in any public or private place within the city. (*Code 1972, Sec. 14-21.*)

Sec. 14-2-17. Manufacture, sale, etc., of intoxicating liquors prohibited when.

It is unlawful for any person, firm or corporation to manufacture, barter, sell, give away or otherwise furnish to another, any intoxicating liquor or beverage of any kind except as permitted by law. (*Code 1972, Sec. 14-22.*)

Sec. 14-2-18. Possession of intoxicating liquors, etc.

It is unlawful for any person to have in this possession or under his control any intoxicating liquor or beverage of any kind, except as permitted by law, or to transport or in any manner convey from place to place within the city any such intoxicating liquor or beverage except as permitted by law. (*Code 1972, Sec. 14-23.*)

Sec. 14-2-19. Loitering where intoxicating liquor is sold, etc., contrary to law.

It is unlawful for any person to loiter in any place where intoxicating liquor or beverage of any kind is bartered, sold, given away, or otherwise furnished contrary to law. (*Code 1972, Sec. 14-24.*)

Sec. 14-2-20. Maintaining a place where intoxicating liquor is sold.

It is unlawful for any person, firm, or corporation, or any agent or employee thereof, to keep, maintain, or aid or abet in keeping or maintaining, a place where intoxicating liquor is manufactured, sold, bartered, given away or otherwise in violation of law or the ordinances of the city. (*Code 1972, Sec. 14-25.*)

Sec. 14-2-21. Drunkenness and drinking in a public place.

It is unlawful for any person drunk, or in a state of intoxication, to appear or be upon or in any street, alley, place of business, or other public place; or for any person to drink intoxicating liquor or beverage upon or in any street, alley or other public place within the city. (*Code 1972, Sec. 14-26.*)

Sec. 14-2-22. Narcotics; use, sale, etc.

It is unlawful for any person under the influence of marijuana or narcotics to appear or be upon or in any street, alley, place of business or other public place; or for any person to have in his possession or use marijuana or narcotics upon or in any street, alley,

place of business or other public place within the city; or for any person to use marijuana or other narcotic in any place within the city except as legally prescribed by a physician licensed to practice in the state; or to loiter about a place where marijuana or narcotics are sold or furnished illegally; or for any person to sell or furnish illegally to another person marijuana or any narcotics. (Ord 1754, 11/14/85)

Sec. 14-2-23. Presence of Adult Novelty Shops

Adult novelty shops cannot be located within one thousand (1,000) feet of:

- (1) Any building primarily and regularly used for worship services and religious activities;
- (2) Any public or private school;
- (3) Any public park or playground;
- (4) Any public library; or
- (5) Any land zoned or used for residential purposes.

"Adult novelty shop" means a commercial establishment that displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices; and

Provided, that if any such building used for worship and religious activities, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door to the premises of the adult novelty shop along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. (Ord. No. 2008-01, 01/07/2008.)

Location Limitation: All adult novelty shops are restricted to locating in property zoned as C-2.

Sign Limitations: All signs for adult novelty shops shall be flat wall signs. The business may have only one (1) non-flashing business sign which may only indicate the name of the business and identify it as an adult novelty shop and which shall not be larger than four (4) feet by four (4) feet. Temporary signs shall not be permitted in connection with any adult novelty shop. (Ord. No. 2008-01, 01/07/2008.)

Article 3. Offenses Against Peace

Sec. 14-3-1. Manufacturing, selling, carrying, transporting, or wearing weapons.

The violation of this section shall be a misdemeanor and is punishable as set out in section 14-7-1. There is hereby adopted by reference the following sections of Title 21 of the Oklahoma Statutes, Sections 1271.1, 1272, 1272.1, 1272.2, 1273, 1276, 1277, 1278, 1279, 1280, 1280.1, 1281, 1282, 1283, 1284, 1287, 1288, 1289.1, 1289.2, 1289.3, 1289.4, 1289.5, 1289.6, 1289.7, 1289.8, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, 1289.14, 1289.15, 1289.16, 1289.17, 1289.18, 1289.19, 1289.20, 1289.21, 1289.22, 1289.23, 1289.24, 1289.25, 1289.26 (Ord. No. 97-22, 10/20/97.)

Sec. 14-3-2. Discharging firearms; air rifles and BB guns; shooting range or gallery.

- (A) It is unlawful for any person to discharge a firearm within the City of Chickasha except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person or of property or when otherwise authorized by law or ordinance. *(Ord. No. 2009-16, 12/07/2009.)*
- (B) It is unlawful for any person to discharge an air rifle or BB gun within the City of Chickasha. *(Ord. No. 2009-16, 12/07/2009.)*
- (C) Persons may discharge a firearm, air rifle or BB gun in a shooting range or shooting gallery that has been approved by the Chief of Police or his designee. The Chief of Police or his designee shall inspect the facility to determine whether the shooting gallery or shooting range has adequate safeguards and is operated and supervised in a manner that protects both the general public and the persons participating in the shooting. The Chief of Police or his designee shall issue an annual permit stating that s/he has inspected and approved the shooting range or shooting gallery. *(Ord. No. 2009-16, 12/07/2009.)*

Sec. 14-3-3. Unlawful assembly prohibited.

It is unlawful for two (2) or more persons to assemble together, or being assembled together, to act in concert, to do any unlawful act against the peace, or to the terror, of others or to make any movement thereto or any preparation therefore, or otherwise to assemble together unlawfully or riotously. *(Code 1972, Sec. 14-30.)*

Sec. 14-3-4. Disturbing the peace of others; insulting others.

It is unlawful for any person to willfully or maliciously disturb either by day or night, the peace and quiet of the city, a neighborhood, family or person by loud or unusual noise, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, or fighting, or shooting off firearms, or brandishing the same. *(Ord. No. 1934, 4/14/88.)*

Sec. 14-3-5. Disturbing religious worship.

It is unlawful for any person to disturb any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of worship or within hearing distance thereof. *(Code 1972, Sec. 14-32.)*

Sec. 14-3-6. Disturbing public assembly.

It is unlawful for any person to disturb any lawful public gathering or assembly by making noise, by rude, indecent, or improper behavior, by profane, improper, or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof. *(Code 1972, Sec. 14-33.)*

Sec. 14-3-7. Loud noise or music prohibited.

It is unlawful for any person, firm or corporation to use, operate or permit to be operated, any contrivance, whether electric or not, with or without a loud speaker, in such a manner as to emit loud music, noise or words to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated in or on a vehicle on a public right-of-way or public space or in a boat on public waters. The provisions of this section shall not apply to events sponsored by public schools, colleges, or universities or to other public events conducted in accordance with provisions of a city permit issued prior to said event by the city

council, the city manager, or his designee. (Code 1972, Sec. 14-34.) (Amended 12/02/2002, Ord. No. 2002-24).

Sec. 14-3-8. Displaying insulting signs, etc.

It shall be unlawful and an offense for any person, firm or corporation within the city, to display any sign, emblem, badge, flag or devise, which in its common acceptance is insulting, profane, or abusive to the citizens of the city, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault. (Code 1972, Sec. 14-35.)

Sec. 14-3-9. Laser Pointers.

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal. Violation of this section shall be a Class A offense. (Ord. No. 99-13, 08/02/99).

Article 4. Offenses Against Persons

Sec. 14-4-1. Assault and battery; defined, prohibited.

- (A) An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.
- (B) A battery is any willful and unlawful use of force or violence upon the person of another.
- (C) It is unlawful to commit an assault or an assault and battery within the city, and any person committing an assault or an assault and battery within the city, shall be guilty of a misdemeanor. (Code 1972, Sec. 14-37.)

Article 5. Offenses Against Property

Sec. 14-5-1. Petty larceny; defined, prohibited.

- (A) Petit larceny is the taking of personal property of value not to exceed five hundred dollars (\$500.00), accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another.
- (B) Petit larceny is unlawful, and any person who commits petit larceny shall be guilty of a misdemeanor. (Code 1972, Sec. 14-38; Ord. No. 1894; Ord. No. 2004-12, 05/17/2004).

Sec. 14-5-2. Receiving stolen property, etc.

It is unlawful for any person to buy, receive, or bring into the city any property, which he knows, has been stolen. (Code 1972, Sec. 14-39.)

Sec. 14-5-3. Molesting automobiles and other vehicles.

It is unlawful for any person to crank, start, otherwise meddle with, molest, enter, occupy, loiter in, take, or drive away any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof. (Code 1972, Sec. 14-40.)

Sec. 14-5-4. Destroying, injuring, or molesting buildings and other property.

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

any such property by its owner or any other person entitled to its use. (Code 1972, Sec. 14-41.)

Sec.14-5-5. Placing signs, etc. on property of another.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill, placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another without the consent of the owner or person in charge thereof. (Code 1972, Sec. 14-42.)

Sec. 14-5-6. Placing signs, etc., on public property and upon public utility property.

It shall be unlawful for any person to place, stick, tack, paste, post, paint, mark, write, or print any sign, poster, picture, announcement, advertisement, bill, placard, device or inscription upon any public property or upon any property belonging to a public utility corporation in said City of Chickasha. (Code 1972, Sec. 14-43.)

Sec. 14-5-7. Throwing or shooting at persons or property.

It shall be unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property. (Code 1972, Sec. 14-44.)

Sec. 14-5-8. Tampering with or damaging public utilities, etc.

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivances to any pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water or electricity without it passing through the meter or in any other way so as to evade payment therefore. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter or other part of any public utility, including telegraph and telephone systems. (Code 1972, Sec. 14-45.)

Sec. 14-5-9. Unlawful intrusion upon land.

Every person who intrudes or squats upon any lot or piece of land within the city without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the city, any hut, hovel, shanty, or other structures whatever, is guilty of a misdemeanor. (Code 1972, Sec. 14-46.)

Sec. 14-5-10. Illegal entrance.

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. (Code 1972, Sec. 14-47.)

Sec. 14-5-11. Unlawful presence on posted property.

- (A) The presence of any person shall be unlawful upon the premises, including the parking area, of any business, public institution, or other public place at any time other than during the posted hours of operation

or business hours of any such business, public institution or other public place. Provided

(1) That such property is clearly and plainly posted with the actual hours of operation or business hours, and that such posted sign also includes notification that this property shall otherwise be closed to all persons in accordance with this section; and

(2) That such posted notification must be displayed at or near the entrance to the business property, and that in the event the property includes parking area with road or access or parking lot off the public roadway, then such notice shall be clearly visible and posted in or about the vicinity of the access to such road of parking area off of the public street.

(B) For the purposes of this section, a difference in the ownership or possessory interest as to the business building and the parking area shall not be material and this section shall be applicable to both the parking area and the business building, provided that such parking area is provided or legally used by the business in question.

(C) The presence intended to be specified as unlawful by this section shall include the parking or placing of any vehicle, trailer or other personal property of any individual upon the premises or business, public institution or other public place, and any such vehicle or other personal property may be impounded as a result of this unlawful presence.

(D) The unlawful presence described herein is not in any way intended to include the permissive presence of any such person or property, provided such provision is granted by the owner or operator of any business, public institution or other public place.

(E) All public parks shall be open to the public from 6:00 A. M. to 10:00 P. M. seven (7) days per week. It shall be unlawful to be in any public park at hours other than those established in this Subsection, except that the City Manager may temporarily adjust the hours of operations of a park to better utilize the park for an event or events or for public safety concerns. *(Ord. No. 2008-26, 10/20/2008).*

(F) In order to secure the peace, privacy and comfort of residents of apartments, apartment complexes, duplexes and other public housing the following restrictions upon entry shall apply, to-wit:

(1) It shall be unlawful for any person to enter upon the premises of an apartment, apartment complex, duplex, or other public housing at hours restricted by posted notice unless that person is a resident, guest of a resident or a person there based upon a legitimate business purpose.

(2) Notice of restriction to entry upon the premises shall be posted at points of entry for vehicles and at such other places upon the premises so as to reasonably notify those entering the property that entry is subject to restriction.

(3) It shall be unlawful for any guest or other nonresident to enter or remain upon the premises after having been notified by the owner, manager, security personnel, law enforcement personnel or other person in authority that his entry upon the property is prohibited.

(G) Any person, firm, or corporation who violates any provision of this section shall be guilty of an offense or misdemeanor and shall, upon conviction, be fined an amount not to exceed two hundred dollars (\$200.00) plus court costs.

Sec. 14-5-12. Shoplifting and larceny of merchandise from retailer or wholesaler.

It is unlawful for any person to take possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store, or other mercantile establishment without the consent of the owner, seller, or merchant and with the intention of converting such goods, wares, or merchandise to such persons own use without having paid the purchase price therefore. *(Ord. No. 97-22, 10-20-97)*

Article 6. Offenses Against Public Authority.

Sec. 14-6-1. Refusing or failing to assist an officer.

- (A) An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon a person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
- (B) It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so. *(Code 1972, Sec. 14-48).*

Sec. 14-6-2. Resisting officers, etc.

It is unlawful for any person knowingly or willfully to 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; or, by threats or otherwise to intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or to assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties. *(Code 1972, Sec. 14-49.)*

Sec. 14-6-3. Rescuing prisoners.

It is unlawful for any person, in any illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner or prisoners, from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody. *(Code 1972, Sec. 14-50.)*

Sec. 14-6-4. Escape of prisoners.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison, or custody. *(Code 1972, Sec. 14-51.)*

Sec. 14-6-5. Personating an officer or employee.

It is unlawful for any person to personate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so. *(Code 1972, Sec. 14-52.)*

Sec. 14-6-6. False fire alarms.

It is unlawful for any person to turn in a false fire alarm or in any manner to deceive or attempt to deceive the fire department or any officer or employee thereof with reference to any fire alarm or reported fire, or knowingly to cause the fire department or its officers or employees to make a useless run. *(Code 1972, Sec. 14-53.)*

Sec. 14-6-7. False representation to an officer.

It is unlawful for any person, firm, or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee, or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the city. (Code 1972, Sec. 14-55.)

Sec. 14-6-8. Removal of barricades, etc.

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. (Code 1972, Sec. 14-55.)

Sec. 14-6-9 Abusing police dogs.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department of the City of Chickasha in the performance of the functions or duties of such department or to interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions or duties of said department or of such officer or member thereof. (Code 1972, Sec. 14-56.)

Article 7. Penalty

Sec. 14-7-1. Penalty.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of an offense, and upon conviction shall be fined an amount not to exceed the maximum amount allowed by law for non-jury trials and court costs. Each day's violation constitutes a separate offense. (Ord. 1661, 1/14/83; Ord. No. 2003-05, 05/19/2003).

Article 8. Miscellaneous Offenses

Sec. 14-8-1. Library theft.

(A) As used in this section:

- (1) "Library facility" means any:
 - (i) public library.
 - (ii) library of an educational, historical, or eleemosynary institution, organization, or society.
 - (iii) museum.
 - (iv) repository of public or institutional records.
- (2) "Library material" means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, catalog cards or catalog records, electronic data processing records, computer software, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging or on loan to, or otherwise in the custody of a library facility.
- (3) "Demand" means either actual notice to the possessor of any library materials or the mailing of written notice to the possessor at the last address of record which the library facility has for said person, demanding the return of designated library materials. If demand is made by mail, it shall be deemed to have been given as of the date the notice is mailed by the library facility.

(B) Any person shall be guilty, upon conviction, of library theft who willfully:

- (1) Removes or attempts to remove any library material from the premises of a library facility without authority.

(2) Mutilates, destroys, alters or otherwise damages, in whole or in part, any library materials; or

(3) Fails to return any library materials, which have been lent to said person by the library facility within seven (7) days after demand has been made for the return of the library materials.

(C) A person convicted of library theft shall be guilty of a misdemeanor and shall be subject to the fine and restitution provisions of this subsection. The punishment for conviction of library theft shall be a fine not to exceed the maximum fine allowed by law for non-jury trials, or the offender shall make restitution to the library facility including payment of all related expenses of the library facility as a result of the actions of the offender, or both such fine and restitution. (*Ord. No. 2003-05, 05/19/2003*).

(D) Copies of the provisions of this section shall be posted on the premises of each library facility. (*Ord. No. 90-17, 8/9/90*)

Sec. 14-8-2. Entering on certain posted public property.

(A) No person who has possession of any firearm, other than a person exempted in subsection (b) of this section, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any weapons on said public property.

(B) The provisions of this section shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are employed by or under contract with the posting entity, which owns, controls, leases or operates the posted premises.

(C) Any person found guilty of violating this section shall be punished by a fine not to exceed two hundred dollars (\$200.00) plus costs.