

CHAPTER 13

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ARTICLE 1

IN GENERAL

§ 13-101 Attempt to commit an offense.

§ 13-102 Aiding and abetting.

§ 13-101 ATTEMPT TO COMMIT AN OFFENSE.

Any person who attempts to commit a violation of any city ordinance and does any act toward the commission thereof, but fails or is prevented or interrupted from committing such violation, is guilty of an offense.

State Law Reference: Attempts, 21 O.S. §41 et seq.

§ 13-102 AIDING AND ABETTING.

No person shall knowingly aid, abet or assist, directly or indirectly, any other person in the commission of a violation of a city ordinance. Any person who shall violate any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be subject to punishment as provided in Section 8-301 of this code. (Ord. No. 618, 8/25/15)

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ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

§ 13-201 Assault.

§ 13-202 Battery.

§ 13-203 Fights or quarrels.

§ 13-201 ASSAULT.

A. No person shall commit an assault.

B. As used in subsection A the term "assault" shall mean any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

State Law Reference: Assault defined, 21 O.S. §641; punishment for assault, 21 O.S. §644.

§ 13-202 BATTERY.

A. No person shall commit a battery.

B. As used in subsection A the term "battery" shall mean any willful and unlawful use of force or violence upon the person of another.

State Law Reference: Battery defined, 21 O.S. §642; punishment for battery, 21 O.S. §644.

§ 13-203 FIGHTS OR QUARRELS.

No person shall wrangle, quarrel, fight or challenge another to fight within the city.

State Law Reference: Disturbing the peace by fighting, quarreling, etc. 21 O.S. §1362; duels and challenges, 21 O.S. §661 et seq.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

- § 13-301 Definitions.
- § 13-302 Trespass on public property.
- § 13-303 Trespass on private property.
- § 13-304 Tampering with private or public property.
- § 13-305 Larceny.
- § 13-306 Fraudulent schemes, bad checks, etc.
- § 13-307 Obtaining service from public utility without authorization.

§ 13-301 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. “*Petit larceny*” shall mean the taking of personal property not exceeding five-hundred dollars (\$500.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

2. “*Private property*” shall mean any property other than public property.

3. “*Public property*” shall mean that property which is dedicated to the public use and over which the federal, state or municipal governments or any political subdivision thereof exercises control and dominion.

State Law Reference: Larceny defined, 21 O.S. §1701; petit larceny defined, 21 O.S. §1704.

§ 13-302 TRESPASS ON PUBLIC PROPERTY.

A. No person shall trespass on public property.

B. As used in this section:

1. “*Trespass*” shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such entry or use.

2. “*Official sign*” shall mean any permanently fixed notice posted by the federal, state or municipal government owning or maintaining any said public property.

C. No person, who has the possession of any weapon, other than those persons exempted in this subsection, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any such weapons on said public property; provided however, the provisions of this subsection shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are under contract with the posting entity which owns, controls, leases or operates the posted premises.

State Law Reference: Trespass, 21 O.S. §1835.

§ 13-303 TRESPASS ON PRIVATE PROPERTY.

A. No person shall trespass on private property.

B. As used in subsection A, the term "trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. "Trespass" shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operation are posted upon such premises. "Trespass"

shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

State Law Reference: Trespass, 21 O.S. §1835.

§ 13-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY.

No person shall maliciously injure, deface or destroy any real or personal property, either public or private, which is not his own.

State Law Reference: Tampering, destroying, etc., property, 21 O.S. §§349, 372, 1751, 1753-1755, 1757, 1758, 1759, 1762, 1765, 1767.1, 1768, 1770-1779, 1784-1787, 1789, 1831.

§ 13-305 LARCENY.

No person shall commit the offense of petit larceny.

State Law Reference: Larceny, 21 O.S. §§1704, 1706, 1709, 1710, 1723, 1722, 1731.

§ 13-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.

A. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of five-hundred dollars (\$500.00), or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.

B. As used in this section:

1. The term "false or bogus check or checks" shall include checks or orders given for money or property or in any case where the maker receives a benefit or thing of value 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, uttering 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 thereof 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 said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

2. The word "credit" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

State Law Reference: Similar provisions, 21 O.S. §§1541.1, 1541.4, 1541.5.

§ 13-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION.

No person shall obtain any water, gas, electricity, cable or other type of service from any public utility except by express authorization and in the manner directed by such public utility.

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

- § 13-401 Nudity indecent exposure or lewd acts in public.
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- § 13-405 Slot machines.
- § 13-406 Gambling rooms and paraphernalia.
- § 13-407 Disorderly places, definitions.
- § 13-408 Maintaining a disorderly house.
- § 13-409 Leasing property for disorderly house.
- § 13-410 Residents and visitors to disorderly houses.

§ 13-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC.

No person shall appear in a state of nudity or make any indecent exposure of his genitals or perform any lewd act in any public place not designed for same.

State Law Reference: Indecent exposure, public lewdness, etc., 21 O.S. §1021.

§ 13-402 PROSTITUTION.

- A. It shall be unlawful for any person to commit an act of prostitution.

B. No person shall knowingly or intentionally pay, or offer or agree to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person.

C. As used in sub§ A the term "prostitution" shall mean any sexual intercourse or deviate sexual conduct, which is performed for money or other property.

State Law Reference: Prostitution, 21 O.S. §1028 et seq.

§ 13-403 GAMBLING, DEFINITION.

As used in the division the term "gambling game" shall mean any game of faro, monte, poker, roulette, craps, wheel of fortune, or any banking or percentage game, or any other gambling game of chance played with dice, cards or any other device whatsoever for property, money, checks, credit or any other representation of value.

§ 13-404 GAMBLING GAMES PROHIBITED.

No person shall deal, play or carry on, or open or cause to be opened, or to conduct, either as principal or agent, whether for hire or otherwise, any gambling game.

§ 13-405 SLOT MACHINES.

No person shall set up, operate or conduct, or permit to be set up, operated or conducted in or about his place of business whether as owner, employee or agent, any slot machine or other mechanical or electrical device for the purpose of having or allowing it to be played for money, property, checks, credits, or for any other representation of value.

State Law Reference: Similar provisions, 21 O.S. §941.

§ 13-406 GAMBLING ROOMS AND PARAPHERNALIA.

Any person who keeps or maintains a gaming room, gaming table, or any policy or pool tickets used for gaming, or knowingly permits a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or any person having any gaming paraphernalia in his possession, shall be guilty of an offense.

State Law Reference: Gambling, generally, 21 O.S. §§941-995.18.

§ 13-407 DISORDERLY PLACES, DEFINITIONS.

As used in this chapter the term "disorderly house" shall mean 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 or city ordinance; or
2. The violation of any ordinance or state statute regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one per cent alcohol by volume; or
3. The performance of any sexual act declared unlawful by ordinance or state statute including, but not limited to, soliciting for the purposes of prostitution, or
4. The violation of any ordinance or state statute prohibiting gambling.

§ 13-408 MAINTAINING A DISORDERLY HOUSE.

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

State Law Reference: Keeping a disorderly house, 21 O.S. §1026.

§ 13-409 LEASING PROPERTY FOR DISORDERLY HOUSE.

A. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that 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.

B. The occurrence of any act in any house, building, structure, tent, vehicle, mobile home, or recreational vehicle which results in the conviction of any person in the municipal court for a violation of this article, or of §13-408, shall, after the lapse of thirty (30) days from such conviction, constitute notice to all owners, lessors, and other persons having control thereof that such premises are being occupied as a disorderly house. However, no such notice as contemplated by this subsection shall be effective unless written notice of such

conviction shall have been delivered in person to such owner, lessee, or other person having control over such premises by a duly authorized officer of the police department.

C. Any person required to discontinue any lease or permitted use of property by subsections A and/or B herein shall not accept any rents, fees, profits or consideration of any type from the lessees or other persons or corporations occupying or in control or possession of the premises at the time the disorderly house requiring such discontinuance of lease or permitted use occurred. Each day for which such rent, fee, profit or consideration is accepted shall constitute a separate offense.

State Law Reference: Leasing property for a disorderly house, 21 O.S. §1027.

§ 13-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES.

No person shall knowingly reside in, enter into, or remain in a disorderly house, provided however, that 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.

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

- § 13-501 Riotous conduct; disturbing peace.
- § 13-502 Unlawful assembly.
- § 13-503 Obstructing streets, sidewalks, etc.; vagrancy; loitering; and Sleeping on public property.
- § 13-504 Fighting words or gestures.
- § 13-505 False alarms.
- § 13-506 Removal of barricades.
- § 13-507 Eluding police officers.
- § 13-508 Loud noise or music prohibited; amplified sound.

§ 13-501 RIOTOUS CONDUCT; DISTURBING PEACE.

No person shall conduct himself in a riotous or disorderly manner, or make or cause to be made any loud, or unnecessary, or offensive noise, or wantonly disturb the quiet of the city or any lawful assembly of persons, or any church or religious meeting or any house, family or neighborhood, or any person.

State Law References: Riot generally, 21 O.S. §1311 et seq.; grossly disturbing the peace, 21 O.S. §22; disturbing the peace, 21 O.S. §1362.

§ 13-502 UNLAWFUL ASSEMBLY.

A. Any person who collects or assembles in crowds and bodies for unlawful or mischievous purposes in any place in the city to the annoyance or inconvenience of other persons, or who shall be involved in, or incite or attempt to incite a riot, or who shall fail to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. No three (3) or more persons shall assemble together or act in concert to do any act with force and violence against the property of the city, the person or property of another, or against the peace, or to the terror of others or make any movement or preparation therefor. No person shall remain present at the place of such assembly after being warned by a police officer to disperse. (Prior Code §13-32)

State Law Reference: Riots and unlawful assembly, 21 O.S. §1311 et seq.

§ 13-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.; VAGRANCY; LOITERING; AND SLEEPING ON PUBLIC PROPERTY.

A. Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. It is unlawful to be a vagrant in the limits of the city.

C. For the purpose of this Section, a vagrant is a person who loiters or remains in or wanders about a public or private place for the purpose of gambling with cards, dice or other gambling paraphernalia; for the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness; for the purpose of engaging in theft, or breaking and entering any building property or automobile of another; for the purpose of injuring, destroying, molesting or defacing any property of another; for the purpose of assaulting any person; for the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or for the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

State Law Reference: *Municipal authority to regulate vagrancy, see 11 O.S. § 22-123.*

D. It is unlawful for any person to sleep or otherwise camp on any street, in any other public place or on any public park or on the premises of a public memorial or on any property of another without the express or tacit consent of the owner or person in charge of the place. [Ord. No. 799, 11/14/23]

§ 13-504 FIGHTING WORDS OR GESTURES.

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense.

State Law Reference: Similar provisions, 21 O.S. §1362.

§ 13-505 FALSE ALARMS.

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

§ 13-506 REMOVAL OF BARICADES.

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.

§ 13-507 ELUDING POLICE OFFICERS.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police vehicle, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does willfully attempt in any other manner to elude such police officer, or who does elude such peace officer, is guilty of an offense.

§ 13-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

A. It is unlawful for any person to disturb the peace and quiet of any part of the city by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this

section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

B. It shall be unlawful for any person in lawful control of a motor vehicle to cause, suffer or allow any unreasonable loud and excessive noise in such motor vehicle, to include noise from a radio, car stereo or electronic audio equipment or similar equipment. A violation will occur if the noise is clearly audible from a location not less than fifty feet (50') from its source. Violations of this subsection may be filed only by police officers and code enforcement personnel.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

- § 13-601 Obstructing or interfering with official process.
- § 13-602 Resisting arrest.
- § 13-603 Aiding in escape.
- § 13-604 Escapes from custody.
- § 13-605 Impersonating an officer or employee.

§ 13-601 OBSTRUCTING OR INTERFERING WITH OFFICIAL PROCESS.

No person shall oppose, obstruct or otherwise interfere with a police officer or other peace official in the discharge of his official duties.

State Law Reference: Obstructing police officers, 21 O.S. §540.

§ 13-602 RESISTING ARREST.

A. Resisting arrest 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.

B. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

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 incarcerated in jail.

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

4. Resisting arrest is an offense.

§ 13-603 AIDING IN ESCAPE.

No person shall set at liberty or rescue or attempt by force or in any other manner to set at liberty any person who is under the legal custody and charge of an officer.

§ 13-604 ESCAPES FROM CUSTODY.

No person held in custody by any peace officer shall escape or attempt to escape from such officer or to attempt to break jail.

State Law Reference: Attempts to escape from jail, 21 O.S. §436.

§ 13-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

No person shall impersonate any officer or employee of the city or falsely represent himself to be such an officer or employee or exercise any duties, functions and powers of any such officer or employee.

State Law Reference: Impersonation of public officer, 21 O.S. §§263, 264, 1533.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

§ 13-701 Carrying dangerous weapons.

§ 13-702 Reckless conduct.

§ 13-703 Discharging firearms; exceptions.

§ 13-701 CARRYING DANGEROUS WEAPONS.

A. It shall be unlawful for any person to carry upon or about his 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, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit.

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;

2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;

3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency.

4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list manufactured by the administrative director of the courts; or

5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, 'living history reenactment' means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period;

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in §8-301. (Prior Code; Ord. No. 602, 4/22/14)

State Law Reference: Carrying dangerous weapons, 21 O.S. §1272.

§ 13-702 RECKLESS CONDUCT.

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

§ 13-703 DISCHARGING FIREARMS; EXCEPTIONS.

As used in the Oklahoma Firearms Act of 1972, Sections 1289.1 through 1289.17 of Title 21 of the Oklahoma Statutes, the following definitions shall apply:

A. 1. Pistols shall mean 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 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.”

2. Rifles shall mean 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.”

B. It is unlawful for any person to discharge or fire a firearm, including an air rifle or BB gun, rifle, CO² gun, slingshot or bow and arrows, except this section shall not apply to the following circumstances.

1. In necessary self-defense of persons or property;
2. A law enforcement officer or security guard in the performance of their duty;
3. For the purpose of target shooting or practice on a range operated by qualified personnel; qualified personnel shall consist of either a certified firearms safety instructor, rifle or pistol marksmanship instructor certified by the National Rifle Association, or person designated by a rifle or pistol club, public or private school or military agency.
4. For the purpose of target shooting on private premises with air, spring or CO² operated BB or pellet guns, bow and arrows or slingshots, if:
 - a. The target area is enclosed in such a manner and with materials that will stop the projectiles; and
 - b. Such target shooting is supervised by an adult at all times;
5. In an undeveloped area for hunting purposes, limited to shotgun use with number 2 size shot or smaller and bow and arrows, so long as the shot or arrow does not pass or is likely to pass through or fall within a populated area or place of habitation;
 - a. On parcels of twenty (20) acres or more, double B.B. shells, rim fire, and center fire no larger than 30.06 for hunting purposes.

6. In an area recommended as a hunting area by the state and posted as such;

7. In compliance with the S-1, Suburban District, Section 21-704 entitled "Exceptions from Ordinances;

8. Any military exercise; parade, funeral or special event; or

9. Events. The discharge of weapons may be authorized by the council upon proper application by duly organized social, civic, charitable, educational, religious or fraternal organizations, principally operating in and based in the City for a single or continuing event for such time period as the council may prescribe subject to the conditions contained in this section and the applicable zoning ordinances which must be met prior to the application as set forth in this section. The judgment of the city council concerning whether such organization is a proper city organization shall be final. Additionally, the city council may set forth any other standards concerning safety at such events.

a. Application. The application shall be made upon forms as prescribed by the city manager;

b. Insurance. Applicants shall furnish, as a condition to securing permission from the city council for the event, a public liability or standard general liability policy or spectator liability or special events policy as deemed appropriate by the City in an amount not less than five-hundred thousand (\$500,000.00) dollars, combined single limit, to include both property and bodily injury, with the City as an additional insured.

c. Safety Officer Designee. A safety officer provided by the organization shall be required to be present during all hours of operation of the event. Such officer shall be designated by the organization and approval by the city manager.

d. Gun Rest Requirements. The organization must provide a safe gun rest that accommodates the total number of participants.

e. Authority to Discontinue or Order Changes. The city manager or his designee is authorized to order the event discontinued immediately or to order such other arrangements for safety as he deems necessary if he finds that the event is not operated or supervised in a manner so as not to endanger the lives of persons and property, including those participating in the event. In those instances when the event is ordered discontinued, the organization must seek permission from the city council before subsequent events may be held.

10. For the purpose of using CO² operated guns on a private or public paintball course; provided that the paintball course, in the judgment of the city manager or his designee, operates in accordance with the standards of safety in the industry and operates in such manner that the paintballs or projectiles do not pass or are not like to pass through or fall within a populated area or place of habitation. [Ord. No. 696, 2/26/19]

State Law Reference: Discharging firearms or air rifles in public places, 21 O.S. §§1289.17A and 1364; Authority of city to prohibit discharge of firearms, 11 O.S. §22-110A.

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

- § 13-801 Public intoxication and drinking prohibited.
§ 13-802 Possession, intoxicating and non-intoxicating beverages.
§ 13-803 Definitions.
§ 13-804 Possession.
§ 13-805 Implements for controlled dangerous substances.
§ 13-806 Smelling, inhaling, etc., of glue, etc.

§ 13-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. Any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic Beverage Control Act, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxication substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of an offense.

B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous, or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

**§ 13-802 POSSESSION, INTOXICATING AND NON-INTOXICATING
BEVERAGES.**

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or non-intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the city limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. For the purpose of this section, "intoxicating beverage" and "non-intoxicating beverage" shall be as defined in §§2-201 et. seq. of this code.

§ 13-803 DEFINITIONS.

A. As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. “*Administer*” shall be defined in §2-101 of Title 63 of the Oklahoma statutes.

2. “*Controlled dangerous substance*” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

3. “*Deliver*” or “*delivery*” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

4. “*Drug paraphernalia*” shall mean 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, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of state law. It includes, but is not limited to:

- a. 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 dangerous substance can be derived;
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances;

- c. Isomerization devices used intended for use, or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;
- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances;
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled dangerous substances;
- f. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled dangerous substances;
- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;
- h. Blenders, bowls, containers, spoons and mixing devices used, intended for use in compounding controlled dangerous substances;
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled dangerous substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled dangerous substances;
- k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled dangerous substances into the human body;
- l. 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:
 - 1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - 2) Water pipes;
 - 3) Carburetion tubes and devices;
 - 4) Smoking and carburetion masks;

- 5) Roach clips meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - 6) Miniature cocaine spoons, and cocaine vials;
 - 7) Chamber pipes;
 - 8) Carburetor pipes;
 - 9) Electric pipes;
 - 10) Air-driven pipes;
 - 11) Chillums;
 - 12) Bongs;
 - 13) Ice pipes or chillers;
- m. 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 dangerous substance;
 - 3) The proximity of the object, in time and space, to a direct violation of this article or of the State Uniform Controlled Dangerous Substance Act;
 - 4) The proximity of the object to controlled dangerous substance;
 - 5) The existence of any residue of controlled dangerous substances on the object;
 - 6) Direct or circumstantial evidence of the intent of any 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 this article or the State Uniform Controlled Dangerous Substance Act; the innocence of the owner, or of anyone in control of the object, as to a direct

violation of this article 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;
- 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 to the total sales of the business enterprise;
- 13) The existence and scope of legitimate uses for the object in the community;
- 14) Expert testimony concerning its use.

5. “Marijuana” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

6. “Sale” includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.

State Law Reference: Uniform Controlled Dangerous Substance Act, 63 O.S. §2-101 et seq.

§ 13-804 POSSESSION.

It is unlawful for any person knowingly or intentionally to possess any of the following controlled dangerous substances unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by state law:

1. Any substance listed in §§2-208, 2-209 or 2-210 of Title 63 of the Oklahoma statutes; or

2. Any marijuana; or
3. Any substance included in subsection D of §2-206 of Title 63 of the Oklahoma statutes.

State Law Reference: Similar provisions, 63 O.S. §2-402.

§ 13-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES.

A. 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 dangerous substance in violation of this article or state law.

B. 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 dangerous substance in violation of this article or state law.

C. 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.

§ 13-806 SMELLING, INHALING, ETC., OF GLUE, ETC.

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination.

B. The provisions of sub§ A shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist. (Prior Code §13-27 & 13-28; Ord. No. 1999-05, 6/8/99)

State Law Reference: Similar provisions, 63 O.S. §465.20.

ARTICLE 9

CURFEW

§ 13-901 Curfew for minors.

§ 13-901 CURFEW FOR MINORS.

A. *Definition.* For the purpose of this section, a minor shall mean any person under the age of eighteen (18) years, but shall not include any person who is legally emancipated or certified as an adult.

B. *Curfew Generally.* No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of 1:00 A.M. Friday and Saturday nights and 6:00 A.M. of the following morning.

C. *Exceptions.* The following shall constitute valid exceptions to the operation of subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of twenty-one (21) years old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 1:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;

4. Until the hour of 1:00 A.M. on any day of the week, if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least twenty-four (24) hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

D. Violations.

1. A police officer who has probable cause to believe that a minor is in violation of this § for the first time shall issue the minor a written warning with a copy of the warning mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this section occurs or as otherwise provided by this section. A police officer who has probable cause to believe that a minor is in violation of this section for a second or subsequent time shall issue the minor a written complaint, if the minor signs the written promise to appear, with a copy of the complaint mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this section occurs or as otherwise provided by this section. In the event that the minor fails, refuses or neglects to sign the promise to appear or fails to go home after being instructed to by the police officer, then the police officer may take the minor to the police station. At that time, the minor's parent, legal guardian or adult person having the care and custody of the minor shall be immediately contacted. In the event that such parent, legal guardian or adult person having the care and custody of the minor, the minor may be referred to a state approved agency pursuant to state law, released to a responsible adult or relatives, or such other action as the police officer deems necessary.

2. The police shall send the minor's parent, legal guardian or adult person having the care and custody of the minor, written notice of the violation,

or by serving such notice personally on such person, warning them that two or more violations of this ordinance by the minor may result in the filing of a charge against such parent, legal guardian or adult person having the care and custody of the minor for a violation of sub§ D (3).

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of sub§ B. In any prosecution for the violation of the provisions of this section, proof that the minor violated sub§ B on two (2) or more occasions, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of two (2) or more previous violations of Sub§ B as provided by subsection D (2), shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate sub§ B of this section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D(1) hereinabove for a violation by such minor of sub§ B and who refuses to take custody of such minor, shall be guilty of an offense.

ARTICLE 10

PREVENTION OF YOUTH ACCESS TO TOBACCO

§ 13-1001 Definitions.

§ 13-1002 Unlawful to sell or furnish tobacco, nicotine or vapor product to persons under twenty-one years of age.

§ 13-1003 Distribution of tobacco product and vapor product samples.

§ 13-1004 Public access to displayed tobacco, nicotine or vapor products.

§ 13-1005 Enforcement.

§ 13-1001 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. “*Nicotine product*” any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation;

B. “*Person*” means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

C. “*Proof of age*” means a driver license, license for identification only, or other generally accepted means of identification, that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

D. “*Sample*” means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

E. “*Sampling*” means the distribution of samples to members of the public in a public place;

F. “*Tobacco product*” means any product that contains tobacco and is intended for human consumption.

G. “*Transaction scan*” means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification.

H. “*Transaction scan device*” means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issue photo identification.

I. “*Vapor product*” means 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 products” 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 and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. “Vapor products” do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act. [Prior Code §13-21; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/2/15; Ord. No. 785, 5/23/23]

§ 13-1002 UNLAWFUL TO SELL OR FURNISH TOBACCO PRODUCT, NICOTINE OR VAPOR PRODUCT TO PERSONS UNDER TWENTY-ONE YEARS OF AGE.

A. It is unlawful for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who

is under twenty-one (21) years of age, or to purchase in any manner tobacco, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco, tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

B. A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be less than twenty-one (21) years of age.

If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

C. Any violation of subsection A or B of this article is an offense against the city of Blanchard; upon conviction of any such offense, the violator shall be punished as follows:

1. Not more than one-hundred dollars (\$100.00) for the first offense;
2. Not more than two-hundred dollars (\$200.00) for the second offense within a two (2) year period following the first offense;
3. Not more than three-hundred dollars (\$300.00) for the third within a two (2) year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or nicotine products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding thirty (30) days; or

Not more than three hundred dollars (\$300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or nicotine products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding sixty (60) days.

D. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

1. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older; or

2. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law. [Prior Code §13-22; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15; Ord. No. 785, 5/23/23]

§ 13-1003 DISTRIBUTION OF TOBACCO PRODUCT AND VAPOR PRODUCT SAMPLES.

A. It is unlawful for a person or retailer to distribute tobacco products, nicotine products or vapor products, or product samples to any person under twenty-one (21) years of age.

B. No person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections A or B of this section, the total of any fines, fees, or costs shall not exceed the following:

1. Not more than One-hundred dollars (\$100.00) for the first offense;
2. Not more than Two-hundred dollars (\$200.00) for the second; and
3. Not more than three hundred dollars (\$300.00) for a third or subsequent offense. [Prior Code §13-25; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15; Ord. No. 785, 5/23/23]

§ 13-1004 PUBLIC ACCESS TO DISPLAYED TOBACCO, NICOTINE OR VAPOR PRODUCTS.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products, or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two-hundred dollars (\$200.00) for each offense. (Prior Code §13-24; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15; Ord. No. 785, 5/23/23)

§ 13-1005 ENFORCEMENT.

A. Any conviction for a violation of this article and any compliance checks conducted by the police department pursuant to sub§ (c) of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the court clerk or his or her designee and compliance checks shall be reported by the chief of police or his or her designee

B. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the municipality and reported to the ABLE Commission, shall be considered together in such determination.

C. Persons under twenty-one (21) years of age may be enlisted by the police department to assist in compliance checks and enforcement of this article pursuant to the rules of the ABLE Commission. (Prior Code §13-23(2)(3); Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15; Ord. No. 785, 5/23/23)

ARTICLE 11

TRUANCY

- § 13-1101 Truancy.
- § 13-1102 Exceptions.
- § 13-1103 Violations.

§ 13-1101 TRUANCY.

A. *Parental responsibility.* For those public, private and other schools wherein attendance is mandated by the state of Oklahoma, it shall be unlawful for a parent or legal guardian of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel the minor to attend and comply with the rules of such public, private or other school of the parent or legal guardian's choosing in which the minor is enrolled.

B. *Refusal of minor to attend school.* For those public, private and other schools wherein attendance is mandated by the state of Oklahoma, it is unlawful for any minor, who is over the age of six (6) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of such public, private or other school or receive an education by other means for the full term the schools of the district in which the minor attends are in session.

§ 13-1102 EXCEPTIONS.

The following shall constitute valid exceptions to the operation of §13-1101 of this article:

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

B. *Emergency situation.* If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent or legal guardian of the minor.

C. *Excused by school and parent.* If any such minor is excused attending school by:

1. The administrator of the school or district where the minor attends school; and

2. The parent of the minor. Providing, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent or legal guardian of the minor unless and until it has been determined that such action is in the best interest of the minor and/or community, and that said minor shall, therefore, be under the supervision of the parent or legal guardian until the minor has reached the age of eighteen (18) years.

D. *Observing religious holy days.* If any such minor is observing religious holy days, if, prior to the absence, the parent or legal guardian of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this sub§ 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.

§ 13-1103 VIOLATIONS.

A. *Separate offense each day.* Each separate day of violation shall constitute a separate offense whether against the parent or legal guardian of a minor for violation of §13-1101(A) or the minor for a violation of §13-1101(B) of this article.

B. *Penalty.* A violation of this article shall be subject to a fine of not to exceed two-hundred fifty dollars (\$250.00) plus costs and state assessments.

ARTICLE 12

TOBACCO FREE AREAS

- § 13-1201 Purpose.
- § 13-1202 Definitions.
- § 13-1203 Prohibition of tobacco products and electronic smoking devices in certain places prohibited.
- § 13-1204 Exemptions.
- § 13-1205 Designated smoking rooms and areas.
- § 13-1206 Posting.
- § 13-1207 Violation and penalty.
- § 13-1208 Enforcement.

§ 13-1201 PURPOSE.

Tobacco Use in all forms has been determined to be injurious to human health, to constitute a source of annoyance, and discomfort to non-tobacco users and to the public as a whole, and to be a public nuisance due to the following:

1. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

2. Health hazards induced by breathing side stream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronch spasm; and

3. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing side stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

4. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections and cancer; and

5. Smoking is a potential cause of fires;

6. The smoking or chewing of tobacco, or any other weed or plant, is a danger to health;

7. Likewise, the chewing of tobacco in any form results in unsanitary and unhealthy spit and saliva residue containing body fluids that place the health of any person coming into contact with such body fluids at risk. (Ord. No. 574, 9/11/12)

§ 13-1202 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.

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 Blanchard, Oklahoma 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 sub§ B of §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. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1203 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.

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.

D. All vehicles owned and/or operated by the city of Blanchard, the Blanchard Municipal Improvement Authority, the Blanchard Economic Trust Authority or any other public trust, the city of which is the beneficiary, shall be entirely tobacco free from all forms of tobacco products including electronic smoking devices. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13; Ord. No. 697, 3/26/19)

§ 13-1204 EXEMPTIONS.

The restrictions provided in §13-1203 of this code of ordinances shall not apply to the following:

- A. stand-alone bars, stand-alone taverns and cigar bars;
- B. the room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- C. up to twenty-five (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 fifteen (15) feet of any exterior public doorway or any air intake of a restaurant. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1205 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 fifteen (15) feet of any entrance, exit or air intake.

B. If smoking is to be permitted in any space exempted in §13-1204 of this code of ordinances or in a smoking room pursuant to sub§ (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 fifteen (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 twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health. (Ord. No. 594, 11/12/13)

§ 13-1206 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.

C. It shall be the responsibility of the City of Blanchard to post signs and/or decals of the following sizes and types as follows:

1. Signs and/or decals at least 4 inches by 2 inches (4"x 2") in size at each entrance of any and all city owned and/or leased property indicating that the property is tobacco and vapor free.

2. Weather resistant signs and/or decals at least fifteen inches by fifteen inches (15"x 15") and/or twelve inches by eighteen inches (12"x 18") in

size with at least one inch (1”) lettering at the entrance to any and all outdoor areas owned, leased or operated by the City of Blanchard. (Ord. No. 594, 11/12/13; Ord. No. 697, 3/26/19)

§ 13-1207 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 ten dollars (\$10.00) nor more than one-hundred dollars (\$100.00). (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1208 ENFORCEMENT.

The city of Blanchard, the state of Oklahoma, 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. (Ord. No. 594, 11/12/13)

ARTICLE 13

JUVENILE OFFENSES; COURT

- § 13-1301 Original jurisdiction of municipal court in certain juvenile cases.
- § 13-1302 Allowing or encouraging a minor to commit offenses.
- § 13-1303 Failure to comply with written promise to appear with juvenile.
- § 13-1304 Parental responsibility; failure to control.
- § 13-1305 Commission of a crime in the presence of minors.
- § 13-1306 Penalty.

§ 13-1301 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES.

The municipal court of the city may elect to have and possess original jurisdiction to hear and determine cases involving children under eighteen (18) years of age charged with violating any municipal ordinance and penalize such persons found guilty as allowed by Title 10A O.S. §2-2-103. (Ord. No. 609, 11/25/14)

§ 13-1302 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES.

It shall be unlawful for any person to knowingly or willfully aid, abet, allow, encourage or, by an omission of duty, encourage or assist a minor to commit any municipal, state or federal offense. (Ord. No. 609, 11/25/14)

§ 13-1303 FAILURE TO COMPLY WITH WRITTEN PROMISE TO APPEAR WITH JUVENILE.

Any person who fails to voluntarily appear before the municipal court with a juvenile defendant on the appointed date and time, regardless of the disposition of the charge for which the citation(s) was originally issued to the juvenile defendant, after having such juvenile defendant released to his/her care and control and pursuant to a signed promise to appear with the juvenile shall be guilty of an offense. (Ord. No. 609, 11/25/14)

§ 13-1304 PARENTAL RESPONSIBILITY; FAILURE TO CONTROL.

It shall be unlawful for any parent to fail to control a minor who is under the supervision of the parent by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one (1) other offense within one (1) year of the date the minor committed the first offense. (Ord. No. 609, 11/25/14)

§ 13-1305 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS.

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under the age of eighteen (18) years of age. (Ord. No. 609, 11/25/14)

§ 13-1306 PENALTY.

Any person convicted of violating any section in this article shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301, of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense. (Ord. No. 609, 11/25/14)

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