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CHAPTER 1

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense.
Section 10-102 Aiding in an offense.

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

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

SECTION 10-102 AIDING IN AN OFFENSE.

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

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Petit larceny prohibited.
Section 10-202	Injuring automobiles and other vehicles.
Section 10-203	Destroying or injuring buildings and other property.
Section 10-204	Placing signs on property of another.
Section 10-205	Throwing or shooting at persons or property.
Section 10-206	Tampering with or damaging public utilities.
Section 10-207	Throwing advertising on street, prohibited.
Section 10-208	Throwing injurious substances.
Section 10-209	Injury to plants and trees.
Section 10-210	Public streets and trees.
Section 10-211	Trespass prohibited.
Section 10-212	Parking on property of another.
Section 10-213	Interference with fire hydrants.

SECTION 10-201 PETIT LARCENY PROHIBITED.

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

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor. (Prior Code, Chapter K, as amended)

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

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES.

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, or loiter in any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof. (Prior Code, Chapter K, as amended)

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

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (Prior Code, Chapter K, as amended)

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

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

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

A. It is unlawful for any person to throw or shoot any stone 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 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.

B. It is unlawful for any person to discharge any arrow or other projectile weapon from or to any point within the city limits of the city, except where the discharge thereof is for purpose of target practice only, and under conditions where no person is endangered, and where the safety conditions provided therefor render the striking of the person or property of another virtually impossible.

C. The striking of the person or property of another with arrow or other projectile weapon shall create a presumption of failure to comply with the terms of this section. (Prior Code, Chapter K, as amended)

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

A. It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water, electricity, telephone or cable television 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, electricity, telephone or cable signals without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine. (Prior Code, Chapter K, as amended)

State Law Reference: Larceny of cable, 21 O.S. Section 1737.

SECTION 10-207 THROWING ADVERTISING ON STREET, PROHIBITED.

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter. A violation of this section is an offense punishable as provided in Section 1-108 of this code. (Prior Code, Chapter K, as amended)

Cross Reference: See also Sections 8-501 et seq. of this code for provisions on littering.

SECTION 10-208 THROWING INJURIOUS SUBSTANCES.

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

SECTION 10-209 INJURY TO PLANTS AND TREES.

It is unlawful for any person to wilfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the city, or wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground. (Prior Code, Chapter K, as amended)

SECTION 10-210 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

1. Wilfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city;
2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;
3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the city;
4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the city; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
5. Connect any driveway to any street or other public place without first securing permission from the city so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of the city. (Prior Code, Chapter K, as amended)

SECTION 10-211 TRESPASS PROHIBITED.

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

1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
2. "Private property" means any property other than public property; and
3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises.

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

B. 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. (Prior Code, Chapter K, as amended)

SECTION 10-212 PARKING ON PROPERTY OF ANOTHER.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge thereof, or when necessary in the performance of a duty, or otherwise by authority of law or ordinance. (Prior Code, Chapter K, as amended)

SECTION 10-213 INTERFERENCE WITH FIRE HYDRANTS.

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

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant. (Prior Code, Chapter K, as amended)

Cross Reference: Fire department and services, 13-201 Sections et seq.

Section 10-301	Disturbing the peace.
Section 10-302	Insulting signs, literature or language.
Section 10-303	Fireworks prohibited.
Section 10-304	Storing or keeping explosives.
Section 10-305	Carrying concealed weapons, discharging firearms.
Section 10-306	Reckless conduct.
Section 10-307	Loud noise or music prohibited, amplified sound.
Section 10-308	Unlawful fighting, assemblies.
Section 10-309	Vagrancy defined for specific acts.
Section 10-310	Electric Fences
Section 10-311	Harassment of witness.

SECTION 10-301 DISTURBING THE PEACE.

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

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

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

(Prior Code, Chapter 14)

SECTION 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE.

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

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

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

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

(Prior Code, Chapter K, as amended)

SECTION 10-303 FIREWORKS PROHIBITED.

A. The word "fireworks" as used in this section shall be as defined in Section 1622 of Title 68 of the Oklahoma Statutes.

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

C. Supervised public fireworks displays may be authorized by the city in accordance with the city's fire prevention code. (Prior Code, Sec. F12)

State Law Reference: Bottlerockets prohibited, fireworks sales licenses, 68 O.S. Sections 1621 et seq.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in approved quantities if the same can be securely and safely kept. (Prior Code, Chapter K, as amended)

SECTION 10-305 CARRYING CONCEALED WEAPONS, DISCHARGING FIREARMS.

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

B. It is unlawful for any person to discharge a firearm in the city except when doing so in 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. (Prior Code, Chapter K, as amended)

(Prior Code, Chapter 14)

SECTION 10-302 INSULTING SIGNS, LITERATURE OR LANGUAGE.

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

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

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

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

(Prior Code, Chapter K, as amended)

SECTION 10-303 FIREWORKS PROHIBITED

Section 1. Part 10 - Offenses and Crimes, Section 10-303 is hereby amended to read as follows:

Section 17-303: Manufacture, sale, use, etc. of fireworks.

The word "fireworks" as used in this section shall be as defined in Section 1622 of Title 68 of the Oklahoma Statutes.

- A. The manufacture, use or discharge of fireworks shall be unlawful within the city; except that supervised public displays of fireworks shall be permitted, as provided in the fire prevention code.
- B. The possession of any fireworks by minors shall be unlawful within the city. The possession of any class of fireworks, other than consumer fireworks as defined by the United States Consumer Product Safety Commission, shall be unlawful within the city, except in conjunction with and as a part of a supervised public display.
- C. The sale or display for sale of fireworks shall be unlawful within the city; provided that the city council may waive this subsection for no more than one (1) year at a time, and for a total of no more than five (5) seasons following annexation, where the following conditions are met:
1. The land was annexed pursuant to 11 O.S. Section 21-103;
 2. A lease contract pre-existed the ordinance of annexation under which the landowner was obligated to lease all or a portion of the land for fireworks sales for a period of no more than five (5) years as measured from the date of annexation;
 3. A copy of the lease must be filed with the application to the city council;
 4. There have been no significant accidents from previous operations at the stand at that location;
 5. The property has direct access on a major arterial street and adequate on-site parking so that the operation of the stand can be conducted without interference with travel on the paved surface of the artery;
 6. Only consumer fireworks, as defined by the United States Consumer Product Safety Commission, are sold on the premises; and
 7. The "season" for fireworks sales shall be limited to be only from June 15th until July 4th of each year.

D. Persons within the city limits may use or otherwise discharge permissible fireworks only from 3:00 p.m. to 11:00 p.m. on July 3rd and July 4th, provided the following conditions are met:

1. Such fireworks must be discharged on a non-combustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.
2. The adult person shall obtain a permit from the City at a cost of fifty dollars (\$50), said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on or near the permit holder's property. Applications for said permits shall be made available during normal business hours from April 1 through July 3 of any given year and permits are valid only for the year of issuance.
3. The adult permit holder in charge of the use must be physically present for any household member to use the fireworks and within 100 feet of the point of display, and have the permit available for examination by any law enforcement officer.
4. Private persons may not use or discharge within any city or county park, nor on any highway, arterial street, or collector street.

E. Any sale or use of fireworks in violation of this ordinance shall be punished as provided in Section 1-108. Any use of fireworks between the hours of 11:00 p.m. and 7:00 a.m. shall be punished upon conviction by a fine that is double the fine normally imposed for a violation of this section.

Section 2. Dewey Municipal Court Bond and Fine Schedule - Fireworks Shooting is hereby amended to read as follows:

Offense - Fireworks Shooting Section 10-303

Any sale or use of fireworks in violation of this ordinance shall be punished as provided in Section 1-108. Any use of fireworks between the hours of 11:00 p.m. and 7:00 a.m. shall be punished upon conviction by a fine that is double the fine normally imposed for a violation of this section.

Section 3. It being necessary for the preservation of the public peace, health and safety of the City of Dewey, Oklahoma and the inhabitants thereof, an emergency is hereby declared to exist. By reason whereof it is necessary that this ordinance goes into full effect and be of force immediately upon its passage and approval. (Amended 08/15/05)

State Law Reference: Bottle rockets prohibited, fireworks sales licenses, 68 O.S. Section 1621 et seq.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in approved quantities if the same can be securely and safely kept. (Prior Code, Chapter K, as amended)

SECTION 10-305 CARRYING CONCEALED WEAPONS, DISCHARGING
FIREARMS.

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

B. It is unlawful for any person to discharge a firearm in the city except when doing so in 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. (Prior Code, Chapter K, as amended)

Sec. 10-305

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

SECTION 10-306 RECKLESS CONDUCT.

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

SECTION 10-307 LOUD NOISE OR MUSIC PROHIBITED, AMPLIFIED SOUND.

A. The making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, and welfare of the residents of the city is unlawful. The necessity in the public interest for the provisions and prohibitions hereinafter enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions for the purpose of securing and promoting the public health, comfort, convenience, safety, and welfare and the peace and quiet of the city and its inhabitants.

B. It is unlawful for any person, firm or corporation to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

C. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

1. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, street care or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;

2. Radios, phonographs. The using, operating, or permitting to be played, used or operated any radio or television receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device at any time in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section;

Fine will be in accordance with the current fine schedule as set by council. (Ordinance 2002-1426 as amended)

3. Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is case upon the public streets for the

purpose of commercial advertising or attracting the attention of the public to any building or structure;

4. Yelling, shouting. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling; hotel or other type of residence, or of any persons in the vicinity;

5. Animals, birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

6. Steam whistles. The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, except: to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities;

7. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

8. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;

9. Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;

10. Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 A.M. and 8:00 P.M. on Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed by the building inspector for periods of three (3) days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 8:00 P.M. and 8:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work;

11. Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street;

12. Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;

13. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale;

14. Metal rails, pillars and columns, transportation thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places;

15. Pile drivers, hammers, etc. The operation between the hours of 8:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise; and

16. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

D. In addition to a punishment for violation of this section, maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of mind of residence in the area shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by the district court of the county, and subject to any requirements by such court made, under pertinent law of the state. (Ord. No. 79-1261, 2/5/79)

SECTION 10-308 UNLAWFUL FIGHTING, ASSEMBLIES.

A. It is unlawful to engage in a fistic encounter.

B. It is unlawful to hold an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others, or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously.

C. It is unlawful to interrupt any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

D. It is unlawful 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. (Prior Code, Chapter K, as amended)

SECTION 10-309 VAGRANCY DEFINED FOR SPECIFIC ACTS.

It is unlawful to be a vagrant in the limits of the city. For the purposes of this section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;

2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

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3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
4. For the purpose of injuring, destroying, molesting or defacing any property of another;
5. For the purpose of assaulting any person;
6. For the purpose of begging or soliciting aims, provided that this section shall not apply to persons soliciting aims for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband. (Prior code, Chapter K, as amended)

State Law Reference: Power to regulate vagrancy, 11 O.S. Section 22-123.

SECTION 10-310 ELECTRIC FENCES

- A. It shall be unlawful for any person to charge with electricity or electric current or cause the same to be done on or to any fence within the city limits of Dewey, Oklahoma.
(Ord. No. #97-1373)(amended 3/15/21 #2021-1588)
Exception) Commercially manufactured devices solely intended for the use of canine confinement are permitted.

SECTION 10-311 HARASSMENT OF WITNESS

- A. It shall be unlawful for any person to use threats of physical, mental or any other type of harm towards any person who is known to be or going to be called as a witness against them or another person. With the intent to alter or prevent the witness from giving testimony.
(Ord. No. #97-1372)

Offenses and Crimes

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5. For the purpose of assaulting any person;
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Chapter 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public intoxication and drinking prohibited.
Section 10-402	Intoxicating liquors.
Section 10-403	Medical Marijuana
Section 10-404	Prostitution
Section 10-405	Disorderly House.
Section 10-406	Maintaining or leasing disorderly house.
Section 10-407	Residents and visitors to disorderly house.
Section 10-408	Nudity, improper dress, indecent exposure.
Section 10-409	Definitions, obscenity, regulations.
Section 10-410	Prohibited obscene conduct.
Section 10-411	Curfew for minors.
Section 10-412	Sleeping on the streets.
Section 10-413	Begging prohibited.
Section 10-414	Prohibited.
Section 10-415	Being about place where gambling is going on.
Section 10-416	Harmful deception.
Section 10-417	False or bogus checks.
Section 10-418	Possession of drug paraphernalia.
Section 10-419	Any person furnishing tobacco.
Section 10-420	Preventing interference with property use.

SECTION 10-410 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the city in a state of intoxication.

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, to such extent as to deprive the person of his or her full physical or mental power. (Prior Code, Chapter K, as amended)

SECTION 10-402 INTOXICATING LIQUORS

It is unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating liquor or beverage of any kind except as permitted by law;
 2. To have in possession or under control any intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the city any intoxicating liquor or beverage except as permitted by law.
 3. To loiter in a place where intoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or
 4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating liquor is sold, bartered, given away or otherwise.
- (Prior Code, Chapter K, as amended.)

SECTION 10-403 MEDICAL MARIJUANA

1. Adoption of State Statutes and Rules.

The City of Dewey hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code.

2. Cultivation of Marijuana for Personal Medical Use.

A person in possession of a State-issued medical marijuana patient license or caregiver license shall be able to legally possess marijuana on their person and in their legally zoned and occupied full-time permanent private residence, and cultivate marijuana for personal medical use, in quantities as allowed by applicable Oklahoma Statutes and Rules. The following regulations shall apply to the cultivation of medical marijuana for personal use as an accessory use within the City of Dewey:

(1) All homegrown medical marijuana plants shall be grown in such a manner to be accessible only to the patient or caregiver.

(2) If grown outdoors, plants shall be enclosed on all sides by an opaque fence or wall with a minimum height of six (6) feet and shall be secured at all times with commercial quality lock and key that is accessible only to the patient or caregiver.

(3) No marijuana plants, whether grown indoors or outdoors, shall be visible from any street or public right-of-way.

(4) All indoor or outdoor areas used for medical marijuana growth shall comply with all applicable Codes as adopted by the City of Dewey.

(5) The primary use of the residential property in which marijuana is grown for personal medical use shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary use of cooking, eating, sleeping, or sanitation/bathing.

(6) If the residence is rented, consent of the property owner shall be obtained prior to any commencing any cultivation of marijuana for personal medical use. This consent must be evidenced by a signal and notarized statement from the property owner permitting the growth of marijuana for personal medical use in the residence.

3. Restriction on Smoking of Medical Marijuana Products.

Smoking of medical marijuana products shall be restricted as set forth in:

(1) In Section 11-300 of this Code; and

(2) As per Title 63 of the Oklahoma Statutes, Section 1-1521 et. Seq., commonly referred to as the "Smoking in Public places and Indoor Workplaces Act."

4. Public Intoxication prohibited.

Any person who shall be under the influence of medical marijuana or any other medical marijuana product at a level that presents a danger to others or creates a disturbance of the peace in or upon any public or private road, in any vehicle, any public place or building, at any public gathering, place accessible to the public or open to being viewed by others, shall be guilty of an offense.

5. Medical Marijuana Waste Disposal.

All medical marijuana waste shall be stored, managed, and disposed of in accordance with all applicable local and State statutes and rules.

B. Non-Medical Marijuana

The possession, use, cultivation, distribution, or transportation, including growing, manufacturing, extracting, or delivering, of any marijuana or marijuana-deprived product in any form by any person or establishment, unless otherwise licensed by the City of Dewey and the State of Oklahoma for medical purposes and verified by possession of a State issued medical marijuana license, shall be illegal within the City of Dewey and regulated pursuant to the Uniform Controlled Dangerous Substances Act if the State of Oklahoma, hereby adopted by reference.

C. Possession of Drug Paraphernalia.

Except as otherwise provided by the Uniform Controlled Dangerous Substances Act of the State of Oklahoma and Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, it shall be unlawful for any person to possess drug paraphernalia.

Ordinance No. 2018-1568 passed 9/17/2018)

1. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana;
2. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the city;
3. To use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or
4. To loiter about a place where marijuana is sold or furnished illegally.

B. For the purpose of this section, "marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fibre, oil or cake, or the sterilized seed of such plant which is incapable of germination. (Prior Code, Chapter K, as amended)

State Law Reference: Controlled dangerous substances act, 63 O.S. Sections 2-101 et seq.

SECTION 10-404 PROSTITUTION.

- A. It is unlawful for any person to:
1. Be a prostitute;
 2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
 3. Engage in any act of prostitution;
 4. Knowingly let premises for purposes of prostitution;
 5. Conduct a business or premises for prostitution;
 6. Accept or receive the proceeds of any act; or
 7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.
- B. For the purposes of this section:
1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
 2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
 3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

Sec. 10-404

(Prior Code, Chapter K, as amended)

SECTION 10-405 DISORDERLY HOUSE.

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

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or city ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or city ordinance prohibiting gambling.

(Prior Code, Chapter K, as amended)

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

SECTION 10-406 MAINTAINING OR LEASING A DISORDERLY HOUSE.

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

B. 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. (Prior Code, Chapter K, as amended)

SECTION 10-407 RESIDENTS AND VISITORS TO DISORDERLY HOUSE.

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (Prior Code, Chapter K, as amended)

SECTION 10-408 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;
2. Appear in any public place in the city in any offensive, indecent or lewd dress; or

3. Make an indecent public exposure of his or her person.

(Prior Code, Chapter K, as amended)

SECTION 10-409 DEFINITIONS, OBSCENITY REGULATIONS.

The following terms when used in the chapter shall have the meaning respectively ascribed to them in this section:

1. "Obscene" means that to the average person applying contemporary community standards:
 - a. The predominant appeal of the material taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;
 - b. The material depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, print, drawing, photograph, motion picture, film, slide, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;
4. "Disseminate" means to transfer possession of, with or without consideration;
5. "Knowingly" means being aware of the character and the content of the material;
6. "Minor" means any person under the age of sixteen (16) years;
7. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of male genitals in a discernible turgid state;
8. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
9. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
10. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and

Sec. 10-409

11. "Promote" means to cause, permit, procure, counsel or assist.

(Ord. No. 78-1259, 10/2/78, as amended)

SECTION 10-410 PROHIBITED OBSCENE CONDUCT.

It is unlawful for any person to:

1. Knowingly disseminate, distribute or make available to a minor obscene material;
2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts to a minor that promote such commerce primarily on the basis of their prurient appeal;
3. Knowingly engage or participate in any obscene performance made available to a minor; or
4. Provide service to patrons in such a manner as to expose to view of a minor:
 - a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - c. Any portion of the female breast at or below the areola thereof; or
 - d. Knowingly promote the commission of any of the above listed unlawful acts.

(Ord. No. 78-1259, 10/2/78, as amended)

Section 10-411 CURFEW FOR MINORS

A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" is any person under the age of eighteen (18); (amended 2010-1498 7/6/10)
2. "Parent" is the natural or adoptive parent or a minor;
3. "Guardian" is any person other than a parent who has legal guardianship of a minor;
4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor.

5. Public place means 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 lawful purpose. A public place shall include, but not be limited

to, any store, shop, restaurant, tavern, bowling alley, cafe, 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.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city between the hours of 10:30P.M. and 6:00 a.m. Sunday through Thursday and between the hours of 12:00 a.m. midnight and 6:00 a.m. Friday through Saturday unless: (Amended November 5th, 2012, #2012-1516)

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the city between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the city police department.

E. The council may permit by resolution or motion procedures for advance notice or registration with the city of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The council may also prescribe the procedures for taking into custody minors found in violation of this section.

F. A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the city who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five (5) consecutive days, or in the alternative, two (2) days of any week for a period not to exceed thirty (30) days. All requests shall be filed with the city clerk of the city.

G. The chief of police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling

aggrieved by the action of the chief of police, may file a request for hearing before the judge of the municipal court of the city who shall summarily hear same, and his judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court, or may place the minor in the custody of his or her parents or some responsible person. (Prior Code, Sec. K10; Ord. No. 77-1240, 7/5/77)

SECTION 10-412 SLEEPING ON THE STREETS.

It is unlawful for any person, between the hours of 12:00 A.M. midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place. (Prior Code, Chapter K, as amended)

SECTION 10-413 BEGGING PROHIBITED.

It is unlawful for any person to beg alms for 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. (Prior Code, Chapter 14)

Section 10-414 GAMBLING PROHIBITED.

A. Except as authorized by the Oklahoma Horsing Race Act or by law, it is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to operate, carry or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage, or other game with dice, card, or any device, for money, checks, chips, credit, or any other thing of value;

2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit, or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;

3. To gamble knowingly in any other manner, excluding all non-profit entities, civic organizations, and municipal organizations. (amended ordinance number 2007-1476; 3/07/2007)

4. To knowingly 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.

B. It is unlawful and an offense against the city for any person to play any roulette wheel or slot machine or any device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value. (Prior Code, Chapter K, as amended)

State Law Reference: Municipal power to prohibit gambling, 11 O.S. Section 22-108.

SECTION 10-415 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise. (Prior Code, Chapter K, as amended)

SECTION 10-416 HARMFUL DECEPTION

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

SECTION 10-417 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 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 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 a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two hundred forty-eight (\$248.00). (REF. TITLE 21 SECTION 1541.1) (Ordinance #2008-1485)

Section 10-417A False or bogus check or checks defined.

The term "false or bogus check" shall include checks or orders which are not honored on account of insufficient funds of the maker to pay same or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given in exchange for any benefit or thing of value or as a down payment for the purchase of any item of which the purchaser is taking immediate possession, 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. (Revised Ord. No. 2008-1485) (Ref, Title 21 Section 1541.4)

Section 10-417B Credit defined.

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

(Ref, Title 21 Section 1541.5) (Ordinance No. 2008-1485)

Section 2. It being necessary for the preservation of the public peace, health and safety of the City of Dewey, Oklahoma and the inhabitants thereof, an emergency is thereby to exist. By reason whereof it is necessary that his ordinance goes into full effect and be force immediately upon its passage and approval.

SECTION 10-418 POSSESSION OF DRUG PARAPHERNALIA

It shall be unlawful for any person to possess any item of drug paraphernalia as set out in the Uniform Controlled Dangerous Substances Act of the State of Oklahoma. (Ord. No. 97-1374)

SECTION 10-419 ANY PERSON FURNISHING TOBACCO PRODUCTS TO MINORS; OR POSSESSION BY MINORS.

Any person who shall furnish to any minor, by gift, sale, or otherwise, any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product shall be guilty of an offense, provided, however, that it shall not be unlawful for an employee under eighteen (18) years of age to handle such product when required in the performance of the employee's duties.

It shall be an offense for any minor to be possession of any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product.

Any person convicted of violating any provisions in this section shall be punished by a fine of seventy-five (75.00) for the first offense and two hundred forty (240.00) dollars for the second and any subsequent offense. State Law Reference Title 37 O.S. 600.4 A and 600.8 A. (Ord. 2002-1424)

SECTION 10-420 INTERFERENCE WITH PROPERTY'S USE

No person shall detrimentally use another's property or wrongfully interfere with the use of any public or private property by the owner or the person entitled to its use. (Ord. 2002-1423)

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and battery prohibited.

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED.

A. It is unlawful to commit an assault or an assault and battery within the city.

B. For the purposes of this section, an assault is any wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A battery is any wilful and unlawful use of force or violence upon the person of another. (Prior Code, Chapter K, as amended)

CHAPTER 6
OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Refusing or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.
Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.
Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.
Section 10-611	Eluding police officer.
Section 10-612	Destruction of evidence.

SECTION 10-601 RESISTING AN OFFICER.

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

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

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

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

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
 2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
 3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.
- (Prior Code, Chapter K, as amended)

SECTION 10-602 REFUSING OR FAILING TO ASSIST 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 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. (Prior Code, Chapter K, as amended)

SECTION 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.

It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

SECTION 10-604 RESCUING PRISONERS.

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, 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 either before or after conviction, including escape from a vehicle of confinement. (Prior Code, Chapter K, as amended)

SECTION 10-605 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. (Prior Code, Chapter K, as amended)

SECTION 10-606 IMPERSONATING AN OFFICER OR EMPLOYEE.

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so. (Prior Code, Chapter K, as amended)

SECTION 10-607 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. (Prior Code, Chapter K, as amended)

SECTION 10-608 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. (Prior Code, Chapter K, as amended)

SECTION 10-609 REMOVAL OF BARRICADES.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area. (Prior Code, Chapter K, as amended)

Offenses and Crimes

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SECTION 10-610 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

SECTION 10-611 ELUDING POLICE OFFICER.

It is unlawful for any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who wilfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer. (Prior Code, Chapter K, as amended)

SECTION 10-612 DESTRUCTION OF EVIDENCE

It shall be unlawful for any person to knowingly dispose of or destroy any book, paper, record, any other item or material that is or may be used as evidence in any municipal, state or federal court. With the intent thereby to prevent the same from being produced as evidence.
(Ord. No. #97-1375)

CHAPTER 7

PENALTIES

Section 10-701 General penalties.

SECTION 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code. (Prior Code, Chapter K, as amended)