

ORDINANCE NO. 108

AN ORDINANCE PROVIDING FOR OFFENSES IN THE CITY OF STILWELL, OKLAHOMA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

ARTICLE I. OFFENSES

SECTION 1. GENERAL OFFENCE; PENALTY.

Except in cases where a different punishment is now or may hereafter be prescribed by ordinance, any person who commits an offense shall, upon conviction, be fined in any sum not to exceed thirty-five dollars (\$35.00), including costs. Each day upon which a violation continues shall constitute a separate offense.

SECTION 2. ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the City, and, in such attempt, does 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 offense itself.

SECTION 3. AIDING IN AN OFFENSE.

When no punishment for counseling, aiding or abetting in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels, aids or abets another in the commission of such is guilty of an offense and punishable in the same manner as the principal offender.

ARTICLE II. OFFENSES AGAINST DECENCY,
MORALITY AND PUBLIC POLICY

SECTION 4. GAMBLING PROHIBITED.

It is unlawful for any person, firm or corporation, or agent or employee thereof, to play, whether for hire or not, any game of faro, poker, roulette, craps, or any banking, percentage or other game played with dice, cards or any device for money, checks, chips, credit or any other thing of value; to operate any slot machine or other device whatsoever where money, checks, chips, credit or any other thing of value are played, when the act of playing the same results in a gain or loss to the part playing; or to gamble knowingly in any other manner; or knowingly to permit his or its premises, houses, lots or other property to be used in connection with or for any act declared unlawful in this section.

SECTION 5. LOITERING ABOUT PLACE WHERE GAMBLING IS GOING ON.

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

SECTION 6. FALSE OR BOGUS CHECKS

It is unlawful for any person, with intent to cheat or defraud, to obtain or attempt to obtain from any person any money, property or valuable thing of the value of twenty dollars (\$20.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with such bank or other depository; provided, such maker or drawer shall not have paid the drawee the amount due

thereon, together with the protest fees, within (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.

SECTION 7. VAGRANTS DEFINED.

The following persons are vagrants within the meaning of this chapter:

- (1) Any person who strolls about to tell fortunes or to exhibit tricks not licensed in accordance with law or ordinance.
- (2) Any common prostitute, any manager or controller of a house of prostitution or ill-fame, or anyone employed therein as a barkeeper, caller of figures for dances or habitual frequenter thereof.
- (3) Any professional gambler or gambler commonly know as a tin horn gambler, card player or card sharp.
- (4) Any person who goes about to beg alms, who is not afflicted or disabled by a physical malady or misfortune.
- (5) Any habitual drunkard.
- (6) Any person who abandons or neglects or refuses to support his family.

SECTION 8. VAGRANCY PROHIBITED.

It is unlawful for any person to be a vagrant in the City, and any person who is a vagrant in the City shall be punished as provided by the ordinances of the City.

SECTION 9. BEGGING PROHIBITED.

It is unlawful for any person to beg alms from any person, organization or agency, except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

SECTION 10. LOITERING AROUND SCHOOLS.

It shall be unlawful for any person to engage in any of the conduct or acts hereinafter set forth around, in or near any of the schools or school grounds or streets or alleys adjacent to said schools:

- (1) Loitering by any person having lawful business in connection with the school or employees thereof.
- (2) Any conduct that would disturb the orderly conduct of the schools.
- (3) Annoy or molest any student or employee of the school.
- (4) Lewd or wanton conduct in, near or around any of the schools or grounds or streets and alleys adjacent to said schools.
- (5) Move or park any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school.
- (6) Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

SECTION 11. OBSCENE OR INDECENT WRITING, ETC.

Every person who willfully either writes, composes, stereotypes, prints, publishes, sells, distributes or keeps for sale or exhibits any obscene or indecent writing paper, magazine or book, or designs or copies, draws or engraves, or otherwise prepares any obscene or indecent picture or print of any description, or molds, cuts or otherwise makes any obscene or indecent figure or form 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 thirty-five dollars (\$35.00), including all costs.

SECTION 12. PROSTITUTION.

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

SECTION 13. KEEPING A HOUSE OF PROSTITUTION, ETC.

It is unlawful for any person to act as a pimp, or procurer, for any

house or place of prostitution of for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure any person for another for illicit sexual intercourse or for any other immoral purpose.

SECTION 15. MANUFACTURE, SALE, ETC., OF INTOXICATING LIQUORS.

It is unlawful for any person to barter, sell, give away or otherwise furnish to another bay intoxicating liquor or beverage of any kind, except as permitted by law.

SECTION 16. POSSESSION OF INTOXICATING LIQUORS, ETC.

It is unlawful for any person to have in his possession or under his control any intoxicating liquor or beverage of any kind, except as permitted by law, or to transport or in any manner convey from place to place within the City any such intoxicating liquor or beverage, except as permitted by law.

SECTION 17. MAINTAINING A PLACE WHERE INTOXICATING LIQUOR IS SOLD CONTRARY TO LAW.

It is unlawful for any person, or any agent or employee thereof, to keep, maintain, or aid or abet in keeping or maintaining a place where intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law or the ordinances of the City.

SECTION 18. DRUNKENNESS AND DRINKING IN A PUBLIC PLACE.

It is unlawful for any person drunk, or in a state or intoxication, to appear or be upon or in any street, alley, place of business or other public place; or for any person to drink intoxicating liquor or beverage upon or in any street, alley or other public place within the City.

[Related Ordinance, No. 22]

ARTICLE III. OFFENSES AGAINST PEACE

SECTION 19. CARRYING CERTAIN CONCEALED WEAPONS PROHIBITED; CONFISCATION.

It is unlawful for any person to carry conceal 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 the line of duty or as may be permitted by law.

SECTION 20. DISCHARGING FIREARMS, AIR RIFLES AND BB GUNS

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

SECTION 21. UNLAWFUL ASSEMBLY PROHIBITED

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

SECTION 22. DISTURBING THE PEACE OF OTHERS; INSULTING OTHERS; DISORDERLY CONDUCT

It is unlawful for any person to disturb the peace of another or others by violent, obstreperous or improper conduct or carriage; by loud or unusual noise; or by unseemly, obscene, offensive or abusive language; or to insult another or others by such conduct or language; or to conduct himself in a disorderly manner.

SECTION 23. DISTURBING RELIGIOUS WORSHIP.

It is unlawful for any person to disturb any congregation or assembly or

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.

SECTION 24. DISTURBING PUBLIC ASSEMBLY.

It is unlawful for any person to disturb any lawful public gathering or assembly by making noise, by rude, indecent, or improper behavior; by profane, improper or loud language; or in any other manner, either within the place of assembly or within hearing distance thereof.

SECTION 25. LOUD NOISE OR MUSIC PROHIBITED.

It is unlawful for any person to disturb the peace and quietude of any part of the City by operating, having operated or permitting to be operated any contrivance, whether electric or not, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

ARTICLE IV. OFFENSES AGAINST PERSONS

SECTION 26. ASSAULT AND BETTERY: DEFINED, PROHIBITED.

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

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

(c) It is unlawful to commit an assault or an assault and battery within the City, and any person committing an assault or an assault and battery within the City is guilty of an offense.

ARTICLE V. OFFENSES AGAINST PROPERTY

SECTION 27. PETIT LARCENY: DEFINED, PROHIBITED.

(a) Petit larceny is the taking of personal property of value of not to exceed twenty dollars (\$20.00) accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another.

(b) Petit larceny is unlawful, and any person who commits petit larceny is guilty of an offense.

SECTION 28. MOLESTING AUTOMOBILES AND OTHER VEHICLES.

It is unlawful for any person to crank, start or 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.

SECTION 29. DESTROYING, INJURING OR MOLESTING BUILDINGS AND OTHER PROPERTY.

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

SECTION 30. THROWING OR SHOOTING AT PERSONS OR PROPERTY.

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

SECTION 31. TAMPERING WITH OR DAMAGING PUBLIC UTILITIES, ETC.

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned) in such a manner as to enable him to consume or use the gas, water or electricity without its passing through the meter or in 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 telegraph and telephone systems.

SECTION 32. UNLAWFUL INTRUSION UPON LAND.

Every person who intrudes or squats upon any lot or piece of land within the City without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the City any hut, hovel, shanty or other structure whatever is guilty of an offense.

SECTION 33. UNLAWFUL ENTRANCE.

It is unlawful for any person to enter upon the property of another or into any are of structure of 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.

ARTICLE VI. OFFENSES AGAINST PUBLIC AUTHORITY

SECTION 34. REFUSING OR FAILING TO ASSIST AN OFFICER.

(a) An officer of the City making or about to make an arrest; or executing or about to execute a warrant or other process, in accordance with the ordinances of the City or with State or Federal law; or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon a person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

(b) It is unlawful for any person lawfully called upon thus to assist an officer of the City to refuse or fail to do so.

SECTION 35. RESISTING OFFICERS, ETC.

It is unlawful for any person knowingly or wilfully to resist, oppose or obstruct the Chief of Police, any other policeman, the Municipal Judge or other officer or employee of the City in the discharge of his official duties; or, by threats or otherwise, to intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or to assault or beat, or revile or 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 36. RESCUING PRISONERS; ASSISTING TO ESCAPE; GIVING WEAPONS, ALCOHOLIC BEVERAGES OR NARCOTICS.

It is unlawful for any person, in any unlawful manner, to set at liberty or rescue, or attempt to set at liberty or rescue, any prisoner or prisoners from any officer or employees 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; or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape; or to give such prisoner any alcoholic beverage or narcotics.

SECTION 37. 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 judgement, or otherwise held in legal custody by authority of the City to escape or attempt to escape from any such jail, prison or custody.

SECTION 38. PERSONATING AN OFFICER OR EMPLOYEE.

It is unlawful for any person to personate an 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.

SECTION 39. FALSE FIRE ALARMS.

It is unlawful for any person to turn in a false fire alarm or in any manner to deceive or attempt to deceive the Fire Department or any officer or employee thereof with reference to any fire alarm or reported fire; or knowingly to cause the Fire Department or its officers or employees to make a useless run.

SECTION 40. FALSE REPRESENTATION TO AN OFFICER.

It is unlawful for any person, or any agency or employee thereof, knowingly to make any material representation to any officer, employee or agency of the City government in an 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.

SECTION 41. REMOVAL OF BARRICADES, ETC.

It is unlawful for any person, except by proper authority, to remove any barricade or obstruction placed by authority of the City to keep traffic off any pavement, street, curb, sidewalk or other area.

ARTICLE VII. PENALTY

PENALTY.

Any person who violates any provision of this Chapter is guilty of an offense, and, upon conviction, shall be fined in any amount not exceeding thirty-five dollars (\$35.00), including costs.

ARTICLE VIII. NARCOTICS, MARIJUANA,
DANGEROUS CONTROLLED SUBSTANCE

SECTION 43. NARCOTICS, MARIJUANA, DANGEROUS CONTROLLED SUBSTANCE:
USE, SALE AND POSSESSION.

(a) It is unlawful for any person to possess, to grow, to use or offer for sale in any manner, any narcotic, marijuana or other dangerous controlled substance as defined by law.

(b) Any person who violates the provisions is guilty of an offense and shall be punished by fine of Three Hundred Dollars (\$300.00), including costs, and shall be imprisoned in the City jail for a period of 90 days; provided, that said fine and imprisonment are mandatory and no lesser fine or penalty shall be given upon a plea or finding of guilt.

[Section 43(b) amended by Ordinance No. 214]

WHEREAS, an immediate necessity exists; therefore, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council this 21st day of February, 1977.

APPROVED by the Mayor this 21st day of February, 1977.

LEVI CARLILE
Mayor

ATTEST: LUCILLE STILL
Acting City Clerk

(Published in the Stilwell Democrat-Journal, February 24, 1977)

ORDINANCE NO. 109

(Repealed May 2, 1988)
Fixing Salary of Mayor and City Clerk-Treasurer.