

## **TITLE 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

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## Chapter 9.04

### GENERAL PROVISIONS

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#### **Section 9.04.010 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 § 10-101)

#### **Section 9.04.020 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 § 10-102)

#### **Section 9.04.030 "Offense" defined.**

The word "offense," whenever used in this code or in any title, chapter or ordinance of the city means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city. (Prior code § 10-103)

#### **Section 9.04.040 "Violation" defined.**

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any title, or chapter hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful. (Prior code § 10-104)

**Section 9.04.050 Penalty not to excuse offense.**

The imposition of one penalty for any offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue. (Prior code § 10-105)

**Section 9.04.060 Capacity to commit offense.**

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

- A. Children under the age of seven years;
- B. Children over the age of seven years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
- C. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
- D. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
- E. Persons who committed the act charged without being conscious thereof, involuntarily; and
- F. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors. (Prior code § 10-106)

**Section 9.04.070 Intoxication no defense.**

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his or her being in such condition. (Prior code § 10-107)

**Section 9.04.080 Witness, self incrimination.**

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the grounds that his or her testimony might incriminate him or her, but the testimony which may be given by such witness shall in no case be used against him or her. (Prior code § 10-108)

**Section 9.04.090 Nuisances.**

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premises owned by him or her or under his or her control at any place within the corporate limits of the city. (Prior code § 10-109)

**Section 9.04.100 Conspiracy.**

Any two or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the city or the person or property of another person shall be guilty of an offense. (Prior code § 10-110)

**Section 9.04.110 Limitations of actions.**

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state. (Prior code § 10-111)

**Section 9.04.120 General penalties.**

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1.20.010 of this code. (Prior code § 10-701)

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## Chapter 9.08

### OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

#### Sections:

- 9.08.010**      **Obstruction of an Officer**
- 9.08.020**      **Refusing or failing to assist an officer.**
- 9.08.030**      **Assault or battery upon police or other law officer.**
- 9.08.040**      **Escape of prisoners.**
- 9.08.050**      **Assisting escape of prisoners.**
- 9.08.060**      **Unlawful communication with prisoners.**
- 9.08.070**      **Impersonating an officer or employee.**
- 9.08.080**      **False alarms.**
- 9.08.090**      **False representation to an officer.**
- 9.08.100**      **Removal of barricades.**
- 9.08.110**      **Resisting public officials.**
- 9.08.120**      **Eluding police officer.**
- 9.08.130**      **False Reporting of Crime or Police Misconduct.**
- 9.08.140**      **Contempt – Direct and Indirect**  
(1221, Amended by Recodification, 11/19/2012)

#### **Section 9.08.010    Obstruction of an Officer**

(Amended by Ordinance No. 1355, appd 07/27/2020, eff 09/06/2020)

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 or her official duties within the limits of the city. (1221, Amended by Recodification, 11/19/2012)

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.      Obstruction of an officer is the intentional opposition or resistance to, or resisting of, an individual acting in his or her 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 or her official capacity. (Amended by Ordinance No. 1355, appd 07/27/2020, eff 09/06/2020)

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 or her and after notice is given that he or she 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 or she is under arrest; or

3. Refusal by the arrested party to give his or her name and make his or her identity known to the arresting officer. (Prior code § 10-601)

4. Remain on or return to a property, public or private, within 24 hours when informed by a police officer that the property owner or agent wants them to leave and not return to the property, commonly known as a trespass warning. (Amended by Ordinance No. 1355, appd 07/27/2020, eff 09/06/2020)

**Section 9.08.020 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 person or persons to assist him or her 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 § 10-602)

**Section 9.08.030 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 or her duties. (Prior code § 10-603)

**Section 9.08.040 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 break or attempt to break from any such jail, prison or custody, or to escape or attempt to escape therefrom. (Prior code § 10-605; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.050 Assisting escape of prisoners.**

A. It is unlawful for any person, by use of force or in any other illegal manner, to set at liberty, rescue, or attempt to set at liberty or rescue, any prisoner from any officer or employee of the city having legal custody of such prisoner or from the city jail or other place of confinement by the city.

B. It is unlawful for any person to convey into the city jail or other city prison any instrument or other thing useful to facilitate the escape of any prisoner therein, or to give any such instrument or thing to a prisoner in custody or in prison, whether such escape is effected or attempted or not. (Prior code § 10-606; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.060 Unlawful communication with prisoners.**

It is unlawful for any person to loiter about the city jail or any other city prison with intent to communicate unlawfully with any prisoner confined therein, or to communicate or attempt to communicate unlawfully with any prisoner confined in such jail or prison or held in legal custody. (Prior code § 10-607; 1221, Amended by Recodification,



11/19/2012)

**Section 9.08.070 Impersonating an officer or employee of a government entity.**

It is unlawful for any person to impersonate any officer or employee of a government entity, falsely represent himself or herself to be an officer or employee of a government entity, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of a government entity without being duly authorized to do so. (Prior code § 10-608; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.080 Reporting False alarms.**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department, police department, emergency medical services, 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, police department, emergency medical services, or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city. (Prior code § 10-609; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.090 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 § 10-610; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.100 Removal of barricades.**

It is unlawful for any person except by proper authority to remove any barricade, caution or police line tape, or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area. (Prior code § 10-611; 1122, Amended by Recodification, 11/19/2012)

**Section 9.08.110 Resisting public officials.**

It is unlawful for any person knowingly or willfully to:

A. 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 or her official duties;

B. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his or her official duties; or

C. 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 or her official duties. (Prior code § 10-612; 1221, Amended by Recodification, 11/19/2012)

**Section 9.08.120 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 or her vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or who does elude such police officer. (Prior code § 10-613; 1122, Amended by Recodification, 11/19/2012)

**Section 9.08.130 False Reporting of Crime or Police Misconduct.**

A. It shall be unlawful for any person to willfully, knowingly, and without probable cause make a false report to any person of any crime which report causes or encourages the exercise of police action by any law enforcement officer.

B. It shall be unlawful for any person to willfully, knowingly, and without probable cause make a report to any municipal officer or employee alleging misconduct by any sworn police officer while in the performance of his or her official duties, if such report is made falsely and with either:

1. Actual malice toward the person who is the subject of the report; or
2. With reckless disregard for the truth of the incident contained in the report.

(Prior code § 10-613; 1122, Amended by Recodification, 11/19/2012)

**Section 9.08.140 Contempt – Direct and Indirect.**

A. Contempt of Court shall be divided into direct and indirect contempt.

1. Direct contempt shall consist of:

a. Disorderly or insolent behavior committed during the session of the Court and in its immediate view and presence;

b. The unlawful and willful refusal of any person to be sworn as a witness;

c. The refusal of any person to answer any legal or proper question; or

d. Any breach of the peace, noise or disturbance so near to the Court as to interrupt its proceedings.

2. Indirect contempt of Court shall consist of:

a. Willful disobedience of any process or order lawfully issued or made by Court;

or

b. Resistance willfully offered by any person to the execution of a lawful order or process of a Court.

In all cases of indirect contempt, the party charged with contempt shall be notified in writing of the accusation and shall have a reasonable time for defense. The party so charged, upon demand, shall have a trial by jury.

## Chapter 9.12

### OFFENSES AGAINST PUBLIC PEACE AND DECENCY

#### Sections:

- 9.12.010 Disturbing the peace.
- 9.12.020 Disorderly Conduct.
- 9.12.030 Fireworks--Sale, discharge, regulated.
- 9.12.040 Loud noise, music, and amplified sound prohibited.
- 9.12.050 Public intoxication and drinking prohibited.
- 9.12.060 Possession of Marijuana and Controlled Dangerous Substances.
- 9.12.061 Possession of Drugs and Drug Paraphernalia
- 9.12.070 Drug paraphernalia.
- 9.12.080 Prostitution.
- 9.12.090 Disorderly house.
- 9.12.100 Definitions, obscenity regulations.
- 9.12.110 Outraging Public Decency (Amended 1344 2019-10-28)
- 9.12.120 Sleeping in or on public places.
- 9.12.130 Begging prohibited.
- 9.12.140 Gambling prohibited.
- 9.12.150 Being about place where gambling is going on.
- 9.12.160 Assault and battery prohibited.
- 9.12.170 Lawful use of force.

#### Section 9.12.010 Disturbing the peace.

It shall be an offense for any person to willfully or maliciously disturb the public peace or quietude or the life, health, or safety of any individual in any manner, by creating any noise of such character or duration so as to be unreasonably loud or disturbing, including but not limited to the following:

- A. The sounding of a horn or signal device on any vehicle, except as a danger
- B. The playing of any radio, phonograph, or any musical instrument in any manner or in such volume, particularly during the hours between 10:00 p.m. and 6:00 a.m., so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;
- C. The allowing of habitual howling, yelping, or barking of any dog or animal by its owner, keeper or possessor hours between 10:00 p.m. and 6:00 a.m., so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;
- D. The discharge of the exhaust of any internal combustion or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom;
- E. The use of any mechanical device operated by compressed air, unless same is effectively muffled and reduced;

F. The playing, working or other activity when conducted in a area zoned as residential between 10:00 p.m. and 6:00 a.m. so as to unreasonably disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence;

**Section 9.12.020 Disorderly Conduct.**

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. Disorderly Conduct 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. Holding an unlawful assembly of two 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;

6. 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

7. Committing any other act in such a manner as to unreasonably disturb or alarm the public. (Prior Code § 10-302; 1221, Amended by Recodification, 11/19/2012)

**Section 9.12.030 Fireworks Sale, Discharge, and Other Uses Regulated.**

(Prior code § 10-303; 1161, Amended 04/14/2008.)

A. It is unlawful for any person, firm, or corporation to sell fireworks within the corporate limits of the city. The discharge of fireworks shall be unlawful within the city unless the appropriate fireworks permit is obtained. The use of Class 1.3G (as defined by the National Fire Protection Association) and Class 1.4G fireworks before a proximate audience shall be allowed with a valid fireworks permit and compliance to city codes and fire department requirements. The use of Class 1.4G fireworks by private individuals at a residential address within the city limits shall be allowed only under permit as described in subsection (D) below. (Prior code § 10-303; 1161, amended 04/14/2008; 1182, amended 06/08/2009.)

B. It shall be unlawful for any person to allow a child who is under 18 years of age to possess or discharge fireworks without proper supervision, or in a manner contrary to any section of this ordinance. (Prior code § 10-303; 1161, amended 04/14/2008; 1182, amended 06/08/2009.)

C. Permissible fireworks shall mean: composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and which is defined as common or special fireworks by the United States

Department of Transportation (USDOT). Fireworks are further classified in this law as Class 1.3G or Class 1.4G. The term “fireworks” shall not include toy cap pistols and caps, blank cartridges, railroad flares, and model rockets.

1. Class 1.4G fireworks (USDOT common fireworks) shall mean any devices suitable for use by the public that conform to requirements of the United States Consumer Products Safety Commission (CPSC) and are designed primarily to produce visible effects by combustion and some small devices designed to produce an audible effect.

2. Class 1.3G display fireworks (USDOT special fireworks) shall mean all articles of larger fireworks designed primarily to produce visible or audible effects by combustion or explosion. Class 1.3G fireworks include, but are not limited to, firecrackers and salutes containing more than two grains (130 mg) of explosive composition and other exhibition display items that exceed the limits for classification of Class 1.4G fireworks according to the USDOT. (Prior code § 10-303; 1161, amended 04/14/2008.)

D. Private individuals in possession of City of Sand Springs fireworks permit may discharge permissible fireworks at dates and times specifically authorized in writing by the city manager or his designee, provided the following conditions are met:

1. Approved fireworks must be discharged on a noncombustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.

2. An adult person, 18 years or older, shall obtain a fireworks permit from the city upon presentation of a government-issued identification card and payment of a permit fee as established by resolution of the city council. Said permit shall identify the adult in charge of this use by name and address, and also identify the proposed location on or in close proximity to the permit holder’s property. Permits are non-transferable. Applications for said permits shall be made available at dates and times established by the City Manager or his designee. Permits shall only be valid for the date(s), time(s) and year of issuance as shown upon the face of the permit.

3. The adult in charge of the use must be physically present for any discharge of fireworks and within 100 feet of the point of discharge.

4. The fireworks permit shall be posted in a place of prominence during the discharge of the fireworks and shall be made available for examination by any law enforcement officer, fire official or other authorized employee of the city.

5. The fireworks permit holder shall be responsible for cleaning up any debris caused by any person discharging fireworks under the permit.

6. Private persons shall not discharge fireworks within any parks or any other public property within the city limits owned or otherwise controlled by the city or other governmental entity. Fireworks shall also not be used or discharged on streets in excess of 26 feet in width, or on streets designated as collector or arterial roadways.

7. In the event that the Governor of the State of Oklahoma or any County Commissioner calls a red flag fire alert or burn ban for the area encompassing the City of Sand Springs and/or if the City of Sand Springs Fire Department determines that the City of Sand Springs is in fire danger due to the weather conditions, the city manager or his designee may declare an emergency and cause the use of fireworks to be terminated and declare them to be illegal during the emergency period.

8. The fire chief, fire marshal, or other employee authorized by the city manager shall have the right to restrict, deny, revoke or cancel a fireworks permit issued to private persons for discharges occurring on residential property if such issuance or allowance is deemed to be a hazard or otherwise detrimental to the public's health, safety or welfare. (Prior code § 10-303; 1161, Amended 04/14/2008; 1182, Amended 06/08/2009.)

E. Any violation resulting from the illegal sale, discharge or other use of Class 1.4G (USDOT common fireworks) as defined in this section – including the reckless discharge of fireworks that endangers persons or properties; or discharge of fireworks that is contrary to the manner in which such are packaged and distributed for use - shall be punishable as a class “C” municipal offense. Any violation resulting from the illegal sale, discharge or other use of Class 1.3G (USDOT display fireworks) as defined in this section shall be punishable as a class “A” municipal offense. Any discharge or other use of fireworks during a red flag fire alert or burn ban as declared in Section C.7 shall be punishable as a class “A” municipal offense. Each separate occurrence of a violation shall constitute a separate offense. Any violation of this section, other ordinances of the City of Sand Springs, or any county, state or federal law or regulation, shall be cause for immediate revocation of a fireworks permit. (Prior code § 10-303; 1161, Amended 04/14/2008; 1182, Amended 06/08/2009.)

F. Entities other than private individuals in possession of a City of Sand Springs fireworks permit may discharge permissible fireworks at dates and times specifically authorized in writing by the city manager or his/her designee, provided the conditions contained within Subsection D, Paragraphs 1 through 8, of this Section are met. The City Manager, Fire Chief or Fire Marshal may impose additional safeguards or restrictions specific to any individual permit issued which shall have full force and effect for the specific event or activity being hosted or sponsored by the entity other than a private individual so permitted. (1304, Added 06/26/2017)

**Section 9.12.040 Loud noise, music, and amplified sound prohibited.**

It is unlawful for any person to create any loud or unnecessary noises of such character, intensity or duration as to be detrimental, or disturbing to the peace, lives or health of any individual or 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. (Prior code § 10-310)

**Section 9.12.050 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. It is unlawful for any person to drink intoxicating beverage or low point beer upon or in any street, alley, or other public place within the city, with the exception that intoxicating and/or non-intoxicating liquor or beverage by persons age twenty-one (21) or older will be permitted as follows:

1. At the Sand Springs Municipal Golf Course as may be designated by written policies adopted by the Golf Course Advisory Board with the approval of the City Council.

2. At the Sand Springs Museum as may be designated by the written policies adopted by the museum trustees and with the approval of the City Council.

3. At the Sand Springs Pogue Airport as may be designated by the written policies adopted by the Airport Advisory Board with the approval of the City Council.

4. At the Sand Springs Community Center and the parks of the City of Sand Springs as may be designated by the written policies adopted by the Parks Board with the approval of the City council.

5. At a restaurant that has been granted, as a part of its' annual beverage permit renewal, authorization to serve alcohol at approved public locations. (1078, 04/26/04; 1147, Amended 06/11/2007; amended by Ord 1247, adopted 02/24/14.)

6. Any special event approved by the City. (1078, 04/26/04; 1147, Amended 06/11/2007; amended by Ord 1247, adopted 02/24/14.)

### **Section 9.12.060 Possession of Marijuana and Controlled Dangerous Substances.**

a. It shall be unlawful and a Class "A" offense for any person to knowingly or intentionally possess marijuana or any controlled substance 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.

b. For the purpose of this section, the following definitions shall apply:

1. Controlled dangerous substance means any drug, substance, or immediate precursor included in Schedules I, II, III, IV or V of the Uniform Controlled Dangerous Substances Act (Title 63 O.S. Section 2-101 et seq.); that do not constitute a felony offense and which have not been preempted by any action of the State of Oklahoma or the United States of America. (Amended 1319, 05/21/2018)

2. Marijuana means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufactured, salt, derivative, mixture or preparation of such plant, its seeds or resin. This definition shall not include the mature stalks of such plant; fiber product from such stalks; oil, cake or other compound made from the seeds or mature stalk of such plant. This provision will not apply when possession is in conformance under the statutory authority of the State of Oklahoma or the United States of America. (Amended 1319, 05/21/2018)

3. Practitioner means:

a. A physician, dentist, podiatrist, veterinarian, scientific investigator, or other person who is authorized by state or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of professional practice or research in this state; or

b. A pharmacy, hospital, laboratory, or other institution authorized by state, or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of professional practice or research in this state (Ord. No. 1149, SS1,5-8-87).

Any violation of this ordinance shall be a Class A violation of the ordinances of the City and subject to the penalties set forth by ordinance for Class A violations. (1110, Amended 10/31/2005; 1110, Amended 09/26/2005.)

#### **Section 9.12.061 Possession of Drugs and Drug Paraphernalia**

It shall be unlawful for any person to knowingly or intentionally have in his possession any controlled dangerous substance or any drug paraphernalia punishable as a misdemeanor under the Uniform Controlled Dangerous Substances Act, 63 O.S. section 2-101 et seq. (1064, Amended 01/12/2004.)

No person shall attempt to purchase, purchase, receive, or otherwise acquire more than three and six-tenths (3.6) grams of any product, mixture, or preparation per day or more than seven and two-tenths (7.2) grams of any product, mixture, or preparation within any thirty-day period, or sixty (60) grams of any product, mixture, or preparation within a twelve-month period. Once a person has purchased, received or otherwise acquired the daily limit of three and six-tenths (3.6) grams of any product, mixture or preparation, the person shall be prohibited from purchasing, receiving or otherwise acquiring any additional product, mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine for a period of not less than seventy-two (72) hours following the last permitted purchase. The requirements of this paragraph shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription. (1221, Amended by Recodification 11/19/2012)

#### **Section 9.12.070 Drug paraphernalia.**

A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq., of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act", and adopted by reference herein. It includes, but is not limited to those equipment, products and materials specified in Section 2-101.1 of Title 63 of the Oklahoma Statutes on drug paraphernalia.

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

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



D. 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. (Prior code § 10-403)

**Section 9.12.080 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 of prostitution; 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. (Prior code § 10-404)

**Section 9.12.090 Disorderly house.**

- A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
  2. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent 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.
  5. The conviction of one or more occupants of a residence for three separate acts of disturbing the peace or disorderly conduct within a 24 month period in which the victim(s) resides within 500 feet. (1221, Amended by Recodification, 11/19/2012)
- B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

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

D. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties. (Prior code § 10-405)

### **Section 9.12.100 Definitions, Obscenity Regulations.**

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

"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.

"Disseminate" means to transfer possession of, with or without consideration.

"Knowingly" means being aware of the character and the content of the material.

"Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, 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.

"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 covered male genitals in a discernible turgid state.

"Obscene" means that to the average person applying contemporary community standards:

1. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;

2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and

3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

"Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

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

"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. (Prior code § 10-407)

### **Section 9.12.110 Outraging Public Decency**

Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, is guilty of a misdemeanor. Injurious to public morals shall be defined as:

- A. Knowingly engage or participate in any obscene performance made available to the public; or
- B. Any person to publicly expose to public view:
  - 1. Their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region.
  - 2. Any device, costume or covering, which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or public hair region.
  - 3. Display in view of the public, for the purpose of causing alarm or disturbance, of any portion of a person's breast/chest at or below the areola thereof, except:
    - a. For persons 10 years of age and under.
    - b. For the act of breastfeeding a child.
    - c. For the purpose of a medical emergency. (Prior code § 10-408; 1344, amended 2019-10-09)

### **Section 9.12.120 Sleeping in or on public places.**

It is unlawful for any person, between the hours of twelve 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 § 10-411)

### **Section 9.12.130 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 § 10-412)

### **Section 9.12.140 Gambling prohibited.**

A. 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 on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

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; or

4. To knowingly permit his or her 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 other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

C. Excepted from the provisions of this section is any bingo game established and conducted lawfully in accordance with applicable state law, including 3A O.S. § 401 et seq. (Prior code § 10-413)

**Section 9.12.150 Being 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. (Prior code § 10-414)

**Section 9.12.160 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 willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A "battery" is any willful and unlawful use of force or violence upon the person of another. (Prior code § 10-501)

**Section 9.12.170 Lawful use of force.**

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

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

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

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

D. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his or her child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by

his or her refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

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

F. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself, herself or to another, or enforcing such restraint as is necessary for the protection of his or her person or for his or her restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person. (Prior code § 10-502)

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## Chapter 9.16

### OFFENSES AGAINST PROPERTY

#### Sections:

- 9.16.010 Tampering with automobiles and other vehicles.
- 9.16.020 Destruction of property.
- 9.16.030 Placing signs on property of another.
- 9.16.040 Tampering with or damaging public utilities, larceny
- 9.16.050 Unlawful intrusion upon land.
- 9.16.060 Illegal entrance.
- 9.16.070 Throwing injurious substances.
- 9.16.080 Altering, obstructing gutters, drains, streams and other water passages.
- 9.16.090 Trespass on private property prohibited. (1332, amended 2019-01-28)
- 9.16.100 Parking on property of another person or business.
- 9.16.110 Interference with fire hydrants.
- 9.16.120 Surrender of city property.
- 9.16.130 Malicious mischief.
- 9.16.140 Obstructions on streets, sidewalks, and rights of way.
- 9.16.150 Interference with or obstruct use of streets and sidewalks.
- 9.16.160 Political advertising signs.
- 9.16.170 Remaining on school property.
- 9.16.180 Shell Lake Use Regulations.
- 9.16.190 Violation of property restrictions. (1332, amended 2019-01-28)

#### **Section 9.16.010 Tampering with automobiles and other vehicles.**

A. It is unlawful for any person to start, otherwise meddle with, molest, enter, or occupy any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

B. It is unlawful for any person to mutilate, deface or injure any automobile or other vehicle, or to remove therefrom any number, tag or mark indicating ownership or identity thereof. (Prior code § 10-202)

#### **Section 9.16.020 Destruction of property.**

A. It is unlawful for any person to purposely destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, tree, plant, crop, grounds 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. It is unlawful to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (Prior code § 10-203; 1221, Amended by Recodification 11/19/2012)

### **Section 9.16.030 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 § 10-204)

### **Section 9.16.040 Tampering with or damaging public utilities, larceny**

A. It is unlawful for any person to adjust, connect, disconnect, molest, injure, destroy or in any way tamper with any water or gas pipe, any telephone or cable pole or apparatus, meter loop, riser or connection belonging thereto, or any water, gas, cable or electric meter or meter box or housing, or any pipe, wire, conduit or connection belonging thereto, or any other part of water, gas cable or electrical system, or to do any act or use any contrivance to prevent or affect correct and proper registration by any such meter. This shall not apply to officers and employees of the city or of any person, firm or corporation owning or operating such water, gas or electric system, acting in the line of duty.

B. No person shall, without lawful authority, make any splice, tap or other connection into or on any cable, wire, pipe or other connection into or on any cable, wire, pipe or other service furnished to the residents of the city by the city or by any person, firm or corporation operating in the city under a valid permit issued by the city.

C. Any person who knowingly, makes or causes to be made any pipe, wire, or other instrument or contrivance and connects the same or causes the same to be connected with any pipe provided for the purpose of conducting water or gas, or with any wire or other electrical conductor provided for the purpose of conducting electricity, or cable, so as to conduct such gas, water, cable, or electric current, to a point where the same may be consumed, without its passing through meters provided for registering the quantity consumed, or in any manner so as to evade payment therefore, whether the gas, water or electrical current is knowingly, injures or alters any gas, electric or water meter or obstructs its action, is guilty of an offense.

D. In any prosecution as set forth in this section, the existence on the property and in the actual possession of the accused, of (1) any connection, wire, pipe, conductor, or any device whatsoever, which is connected in such a manner as would appear to permit the use of utilities, cable, telephone, water, sewer, electricity, or telecommunications service of any type or kind including but not limited to cable television, telephone, internet, water, sewer, electricity and data transmission service without the same being reported for payment to and specifically authorized by the operator of the utility provider or (2) the existence on the property and in the actual possession of the accused, in quantities or volumes suggesting possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts mentioned in this section shall be prima facie evidence of intent to violate and of the violation of the provisions of this section by the accused. (1221, Amended by Recodification, 11/19/2012)



**Section 9.16.050 Unlawful intrusion upon land.**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the city without a license or authority from the owner whether public or private thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the city, any hut, shanty, hovel, or other structure without authority of law or ordinance. (Prior code § 10-207; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.060 Illegal entrance.**

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or otherwise or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. (Prior code § 10-208; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.070 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 § 10-210; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.080 Altering, obstructing gutters, drains, streams and other water passages.**

A. It is unlawful for any person to change, alter, deflect, destroy or injure any gutter, waterway, water outlet, drain, ditch, stream or other water passage, either natural or artificial, in or upon the streets, avenues, alleys or other public ways or public property within the city or to change the course or flow of any water passage or stream running upon his or her property or upon the side of the street adjacent to his or her property in such a manner as to cast the stream or flow of water into the public street or other public way or upon the property of another.

B. It is unlawful for any person to fill up, deflect or obstruct any gutter, waterway, water outlet, drain, stream, ditch, sewer or other water passage, either natural or artificial, by throwing or causing to be thrown therein any trash, rubbish, garbage, brush or other thing.

C. If it becomes necessary to change, alter or in any way interfere with any gutter, drain, ditch, stream or other water passage, for the purpose of protecting the streets or other public ways or property, or for the protection or preservation of the property of any person, it shall be necessary first to obtain the consent of the City Manager. (Prior code § 10-214; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.090 Trespass on private property prohibited. (1332, amended 2019-01-28)**

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

"Private property" means any property other than public property.

"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 or police officer when given authority by the owner or agent to act in their behalf. 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. (1332, amended 2019-01-28)

B. It is unlawful for any person to trespass on private property.

C. This section shall not require that a property owner announce by signage that trespassing is prohibited. It shall be a defense if proven that a reasonable and prudent person would have assumed the property to be open for use. (Prior code § 10-215; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.100 Parking on property of another person or business.**

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, parking area, yard, or any portion of the premises or property of another person or business, including but not limited to any restaurant, gasoline/filling station or other business, unless actively engaged as a customer on the premises or with 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 § 10-216; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.110 Interference with fire hydrants.**

A. It is unlawful for any person except one duly authorized by the City Water 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 belonging to the city.

B. It is unlawful for any person to obstruct free access to any fire hydrant in the city. The obstructions prohibited in this section include but are not limited to those caused by placement of boxes, cartons, or other containers, or brick, lumber or dirt, near or around such hydrants, or the growth of grass, weeds or plants near the fire hydrants. (Prior code § 10-217)

**Section 9.16.120 Surrender of city property.**

Each and every person who, having been an officer or employee of the city wrongfully refuses to surrender all books, papers, or other property coming into his or her possession as such officer or employee, when so requested to do so by his or her successor in office or his or her superior in authority or upon any written order of the city council or other duly authorized town official shall be guilty of an offense. (Prior code § 10-220)

**Section 9.16.130 Malicious mischief.**

Malicious mischief is hereby defined as any injury or destruction done to the property of another person and prompted by malice or hatred toward another or an injury or destruction done to the property of another in wanton and malicious manner. Malicious mischief is an offense. (Prior code § 10-221; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.140 Obstructions on streets and sidewalks and rights of way.**

It shall be an offense for any person to obstruct or block any street, alley, crosswalk, sidewalk, rights of way or other public grounds with any kind of fence, wall, buildings, boxes, stands, basketball goal, skateboard device, structures or otherwise, or in any manner to obstruct any of the public highways, streets, alleys, roads, or sidewalks within the city or permit to be opened or leave upon any cellar door, manhole or grating of any kind, in or upon the street, sidewalk or alley of the city or alley so as to interfere with the free passage over the same, except in the following cases:

A. When merchants and tradesmen use the sidewalks in front of their places of business for the purpose of receiving, opening or shipping goods and merchandise and free passage and use of such sidewalks is not unreasonably obstructed;

B. When merchants and tradesmen use the sidewalks in front of their places of business for the purpose of exhibiting goods and merchandise and such obstruction does not extend more than two (2) feet; and

C. Upon receipt of a permit from the Building Inspector and meeting the conditions as may be prescribed by him, a person may deposit material in the street adjacent to a building when he is engaged in erecting or repairing such building. (Prior code § 10-222; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.150 Interference with or obstruct use of streets and sidewalks.**

- A. It is unlawful for any person to:
1. Obstruct any public street, public highway, public sidewalk or any other public place or building by the placement of anything which would preclude the free passage of vehicles, traffic or pedestrians; or
  2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction to use of property, ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section. (Prior code § 10-223; 1221, Amended by Recodification, 11/19/2012)

#### **Section 9.16.160 Political Advertising Signs.**

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made, or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof; or for the purposes of furthering or advertising any position on initiatives, propositions or other matters set for local election. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

B. A political advertising sign shall be permitted to be erected upon the public street rights-of-way of the city not more than 10 days before an election and shall be removed within 5 days following an election in which the determinative vote for a candidate, initiative, proposition or other matter has concluded. This restriction shall not apply to a political advertising sign erected upon private property. (Prior code § 10-311; 1122, Amended, 12/19/2005; 1173, Amended, 02/09/2009.)

C. A political advertising sign shall not exceed 4 square feet of display surface area per side with a maximum of two display sides. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

D. A political advertising sign may be erected upon the public street rights-of-way of the city provided such sign shall not block, impede or otherwise obstruct the safe movement or parking of vehicles upon any public street, parking area or driveway, or the movement of pedestrians upon any public sidewalk. (Prior code § 10-311; 1122, Amended, 12/19/2005.)

E. It is unlawful to place a political advertising sign upon any state or federal highway right-of-way. (1122, Amended, 12/19/2005.)

F. It is unlawful to place a political advertising sign upon any city park property, any other property owned or otherwise controlled by the city or trusts thereof, or any public rights-of-way adjacent thereto. (1122, Amended, 12/19/2005.)

G. It is unlawful to erect any political advertising sign upon any utility pole or installation. (1122, Amended, 12/19/2005.)

H. Any political advertising sign erected or displayed in violation of this section or any other city ordinance shall be deemed to constitute a public nuisance and shall be removed and disposed of by the city without property right to the owner thereof. Any person, firm or corporation found to be in violation of this section shall be guilty of a Class "C" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this code. (1122, Amended, 12/19/2005.)

#### **Section 9.16.170 Remaining on school property.**

It is unlawful for any person or persons to remain upon any properties owned by or in the possession of the public school system of the city, after any such person or persons have been requested to leave and vacate the school premises by any faculty

member, principal, designated school employee, or by any police officer of the city. It is not an offense hereunder to enter or remain upon the school properties by a person having received permission therefor from any school faculty member, principal, designated school employee, or police officer of the city. (Prior code § 10-312; 1221, Amended by Recodification, 11/19/2012)

**Section 9.16.180 Shell Lake Use Regulations.**

A. Purpose.

Shell Lake, which lies approximately six miles west of Sand Springs, Oklahoma, in Osage county, was impounded in 1922 upon completion of Shell Lake Dam. It is a primary water supply source for the city. The purpose of these regulations is to provide guidelines for the protection of the environmental resources of the lake and surrounding and abutting city-owned properties and the outdoor recreational opportunities they provide. All other Federal, State and local laws and regulations remain in full force and effect.

B. General.

Hours of access to Shell Lake shall be from daylight to dusk. Any person or persons going onto Shell Lake or the surrounding City-owned property, whether on foot or in a boat, shall do so at his/her own risk, and any person or persons accessing Shell Lake or the surrounding City-owned property from dusk to daylight shall be in violation of these regulations.

C. Use Permit.

A permit shall be required for use of the lake, whether for fishing from a boat, or the shore, or for boating. Either daily or annual permits may be purchased from the Lake Attendant at Shell Lake or at the Customer Service window in the Sand Springs Municipal Building. The permit year shall be from January 1 through December 31, and fees shall not be prorated for fractional parts of the year. All anglers between the ages of 16 and 65 must have a valid Oklahoma fishing license. Permit fees will not be charged for persons under the age of 16 or over the age of 65. A permit fee shall be set by resolution and reviewed on an annual basis. (Prior code § 10-312; 1131, Amended, 07/10/2006; 1131-Amend, Amended 08/25/2008; 1375, Amended 05/24/2021, eff. 06/02/2021)

D. Lake Attendant.

The City Manager of the City of Sand Springs shall make arrangements, by contract or by employment, for the security and maintenance of the lake, park, dam, and surrounding properties. (Prior code § 10-312; 1131, Amended, 07/10/2006; 1131-Amend, Amended 08/25/2008)

E. Fishing.

While fishing at Shell Lake, anglers shall adhere to the following regulations:

1. Fishing shall be limited to the period between daylight and dusk.
2. The size of game fish which may be taken and the number of such fish shall be set by (slot) as determined by the Oklahoma Department of Wildlife Conservation Game Biologist.
3. Fishing by net, seine, spear gun, bow and arrow, gun, trap, snag, or yo-yo shall be strictly prohibited.

4. Unused bait and fish remains should be disposed of properly. Do not dispose of these remains in the lake or adjacent lands.

5. Use of trotlines/throwlines, juglines, and limblines shall strictly conform to Oklahoma State law.

F. Boating.

This section pertains to all vessels or watercraft including, but not limited to, powerboats, sailboats, rowboats, canoes, kayaks, and any other such equipment capable of navigation in or on water. Boats shall be permitted on Shell Lake provided:

1. Any watercraft permitted on Shell Lake shall be licensed in accordance with applicable Federal, State and Local laws, and shall display appropriate registration while being operated on Shell Lake.

2. Any vessel, when in use on Shell Lake, shall be outfitted with all safety equipment and devices necessary for the compliance with U.S. Coast Guard and State of Oklahoma boating safety requirements, including personal flotation devices.

3. The use of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Public Law 92-75.85 Stat. 213), or promulgated pursuant to such act shall be prohibited.

4. Boats shall be launched and retrieved only at the designated boat ramp located near the east abutment of the dam.

5. Watercraft may be operated on Shell Lake, except in prohibited or restricted areas marked by buoys, in accordance with posted regulations and applicable Federal, State, and local laws.

6. Boats shall not exceed 10 miles per hour within 300 feet of the dam or boat ramp. Additionally, speed shall be reduced so that no appreciable wake is produced within 100 feet of another occupied boat or the shoreline. In other areas of the lake the maximum speed shall be 20 miles per hour.

7. The operation of watercraft in a careless, negligent or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the watercraft) shall be prohibited.

8. Jet Skis shall be prohibited on Shell Lake.

9. Motorboats shall stay at least 200 feet away from any shoreline or anchored fishing boat while cruising and as near the middle of any channel as practical.

10. All watercraft shall be removed from Shell lake and surrounding city-owned property when not in use.

11. The placement and/or operation of any watercraft upon Shell Lake or surrounding city-owned property for a fee or profit shall be prohibited.

12. All boat trailers and pulling vehicles shall be parked only in designated parking areas. (Prior code § 10-312; 1131, Amended, 07/10/2006; 1131-Amend, Amended 08/25/2008)

G. Swimming and Wading

1. Only wading or swimming necessary to launch a boat, right a capsized vessel or abandon a sinking craft shall be permitted.

2. Recreational wading, swimming, water skiing or skin diving or scuba diving shall not be permitted at any time.

#### H. Courtesy Docks

This section pertains to regulations for the Courtesy Dock located adjacent to the designated boat ramp near the east abutment of the dam:

1. Use of the courtesy doc shall be limited to aid the launching and retrieval of vessels and watercraft permitted on Shell Lake.
2. No fishing shall be allowed from the courtesy dock and walkway.
3. Passengers may board and disembark launched vehicles and watercraft on Shell Lake using the walkway and courtesy dock.
4. Motor vehicles may access the area adjacent to the courtesy dock walkway and entrance pad to facilitate offloading passengers requiring assistance boarding and disembarking vessels and watercraft launched on Shell Lake.
5. No long-term parking of motor vehicles shall be allowed at the dock walkway entrance. (Prior code § 10-312; 1131, Amended, 07/10/2006; 1131-Amend, Amended 08/25/2008; 1375 Amended/Added Courtesy Docks, 05/24/2021, eff. 06/02/2021)

#### I. Camping

Overnight camping shall be prohibited at Shell Lake.

#### J. Picnicking

Picnicking and related day-use activities shall be permitted provided all refuse is cleaned up and placed in refuse containers upon departure.

#### K. Vehicles

1. Vehicles shall not be parked in violation of posted restrictions, or in such a manner as to obstruct or impede traffic movement or parking of other vehicles; create a safety hazard; or endanger any person, Shell Lake property or environmental feature. Vehicles so parked shall be subject to removal and impoundment at the owner's expense.

2. The operation and/or parking of a vehicle on other than authorized roadways shall be prohibited except at locations and times designated by the City of Sand Springs. Driving any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence or traffic control barrier shall be prohibited.

3. Vehicles shall be operated only in accordance with posted regulations and applicable Federal, State and local laws, which shall be enforced by City of Sand Springs Police.

4. No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, Shell Lake property or environmental feature.

#### L. Sanitation

1. Garbage, trash, rubbish or any other waste material or waste liquid generated on the lake and incidental to authorized activities shall be either removed from Shell Lake property or disposed in receptacles provided for that purpose. The improper disposal of such wastes, including human and animal waste, in Shell Lake or surrounding City-owned property, shall be prohibited.

2. Bringing any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind onto Shell Lake or surrounding City-owned property for disposal or dumping shall be prohibited.

3. The spilling, pumping or other discharge of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on Shell Lake lands or into Shell Lake waters shall be prohibited.

4. The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into Shell lake waters from any boat, watercraft or dock shall be prohibited.

M. Fires

Fires shall be confined to grills, or other facilities designated for that purpose. Fires shall not be left unattended and shall be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic or treated wood products shall be prohibited.

N. Control of Animals

No person shall bring or allow dogs, cats, or other pets into the boat ramp and recreation area unless penned, caged, on lease under six (6) feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of Shell Lake lands and waters by the public. Unclaimed or unattended animals shall be subject to immediate impoundment and removal in accordance with State and local laws.

O. Restrictions

1. Any act or conduct by any person who interferes with, impedes or disrupts the use of Shell Lake or impairs the safety of another person shall be prohibited. Individuals who are boisterous, rowdy, disorderly or who otherwise disturb the peace on Shell Lake lands or waters may be requested to leave.

2. The operation or use of any audio device including, but not limited to, radios, televisions, or musical instruments and or other noise-producing motorized equipment, including vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed State or local laws governing noise levels shall be prohibited.

P. Public Property

1. Destruction, injury, defacement removal or any alteration of public property including, but not limited to, developed facilities, natural formation, mineral deposits, historical and archaeological features, and vegetative growth, shall be prohibited.

2. Cutting or gathering of trees or parts of trees and/or the removal of wood from Shell Lake shall be prohibited.

Q. Abandonment and Impoundment of Personal Property

1. Personal property of any kind shall not be abandoned, stored or left unattended upon Shell Lake lands or waters. After a period of twenty-four (24) hours, or at any time after the closure of the boat ramp and recreation area, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the City Manager.

2. Personal property placed on Shell Lake lands or waters adjacent to a private residence and/or development for more than twenty-four (24) hours shall be presumed to have been abandoned and, unless proven otherwise, such presumption shall be sufficient to issue a citation.



R. State and Local Laws

Except as otherwise provided herein, all Federal, State and local laws and ordinances shall apply on Shell Lake lands and waters. (Prior code § 10-312; 1131, Amended, 07/10/2006.)

**Section 9.16.190 Violation of Public Property Restrictions**

A. It shall be an offense for any person to do any of the following acts upon any public street, highway, alley, public place or upon or to any other public property, real, personal or mixed, belonging to the City of Sand Springs or located within the city limits of the City of Sand Springs, regardless of the purpose for which such property was dedicated, acquired or purchased, without the consent of the City Council of the City of Sand Springs:

1. To take or attempt to take possession of any of the property in any manner;
2. To take up one's abode upon the property;
3. To build any structure of any kind upon any of the property;
4. To fence in or cultivate any of the property;
5. To dump boxes, trash, litter, paper, refuse matter, tin cans, garbage or other forms of solid waste on any of the property; or
6. To drive any vehicle of any kind, regardless of the means of powering the same upon or across any of such property, except where the streets, highways, alleys or roadways have been properly laid out and open to the public.

B. It shall be an offense for any person to do any of the following acts upon any public park, mall, community center or other public property, including any and all realty and improvements thereon owned or leased by the City of Sand Springs or wherein the City is the beneficiary of the use and benefit of the realty and improvements for the use, benefit and enjoyment of its citizens:

1. To be drunk or intoxicated in or upon the property from drinking or consuming intoxicating liquor, intoxicating substance or intoxicating compound or from the inhalation of glue, paint or other intoxicating substances; or
2. To be drunk or intoxicated in or upon the property from any cause and to disturb the peace of any person.

C. It shall be an offense for any person to maliciously or willfully deface, injure, destroy, besmear or bedaub any building, sidewalk, street, pavement, curbing, water or sewer line or other real or personal property of the City of Sand Springs.

D. It shall be an offense for any person to lodge in, on or about any automobile, truck, trailer, camper or similar vehicle in any public street, highway, alley, public park area, public way, public right of way, public parking lot or any other public property owned or leased by the City of Sand Springs or where in the City is the beneficiary of the use and benefit of the realty and improvement for the use, benefit and enjoyment of its citizens without the express permission of the governmental authority controlling the property.

E. Any person violating any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars (\$100.00), excluding costs, and/or by imprisonment in the City jail for a period of not less than one (1) day nor more than ten (10) days. (1332, amended 2019-01-28)

## Chapter 9.20

### THEFT AND RELATED OFFENSES

#### Sections:

- 9.20.010**     **Petit larceny prohibited.**
- 9.20.020**     **Harmful deception.**
- 9.20.030**     **False or bogus checks.**
- 9.20.040**     **Defrauding hotels, restaurants.**
- 9.20.050**     **Offense Against Gasoline Pump Thievery**

#### **Section 9.20.010**   **Petit larceny prohibited.**

A.     Petit larceny is the taking of personal property of value not exceeding Five Hundred Dollars (\$500.00) 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. (1221, Amended by Recodification, 11/19/2012)

B.     Petit larceny is unlawful, and any person who commits, attempts or assists in the crime of larceny shall be guilty of a misdemeanor. (Prior code § 10-201; 1221, Amended by Recodification 11/19/2012)

#### **Section 9.20.020**   **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 § 10-415)

#### **Section 9.20.030**   **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 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" means and includes checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted. (Prior code § 10-416; 1221, Amended by Recodification, 11/19/2012)

#### **Section 9.20.040**   **Defrauding hotels, restaurants.**

It is unlawful for any person to obtain food, lodging or other accommodations at any restaurant, hotel, inn, boarding or rooming house, with intent not to pay for the same or with intent to defraud the owner or keeper thereof. (Prior code § 10-417)

**Section 9.20.050 OFFENSE AGAINST GASOLINE PUMP THIEVERY**

Any person who pumps gasoline into the gasoline tank of a vehicle and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of an offense.

Any violation of this ordinance shall be a Class B violation of the ordinance of the City and subject to the penalties wet forth by ordinance for Class B violations. Each separate day of violation shall constitute a separate offense. (1109, Amended, 09/26/2005.)

## Chapter 9.24

### EQUAL ACCESS TO HOUSING

#### Sections:

- 9.24.010 Intent
- 9.24.020 Acts Prohibited
- 9.24.030 Acts Exempted.
- 9.24.040 Complaint Procedure
- 9.24.050 Severability Clause
- 9.24.060 Complaint procedure.
- 9.24.070 Hearing by council.
- 9.24.080 Penalty.

#### Section 9.24.010 Intent

The general intention of the City Council of the City of Sand Springs, Oklahoma, in providing for the passage of this chapter is as follows:

- A. To secure for all residents of the City of Sand Springs, Oklahoma, equal access to housing in all neighborhoods and areas of the City.
- B. To preserve the public welfare, to provide for the preservation of public peace, health and safety.

#### Section 9.24.020 Acts Prohibited

It shall be unlawful for any person, firm, corporation or association to commit any of the following acts:

- A. To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, religion, or national origin, familial status or disability.
- B. To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when, in fact, it is so available, because of such person's race, color, religion, or national origin, familial status or disability.
- C. To solicit or induce, or attempt to solicit or induce, any person owning any interest in residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person of persons of another race, color, religion, or national origin, familial status or disability either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, to distribute, or cause to be distributed, material or make statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood.

D. To file a complaint alleging violation of this ordinance, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

**Section 9.24.030 Acts Exempted.**

Nothing contained herein shall apply to the following:

A. To prohibit person from giving a preference to prospective buyers or tenants for reasons other than race, color, religion, national origin, familial status or disability.

B. To the sale of a dwelling which is, or was at the time when first offered for sale, the principal residence of its owner.

C. To the rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house.

D. To the rental or leasing of a housing unit in a building containing less than four housing units.

E. To the rental or leasing of a dwelling or housing units owned by a religious or fraternal organization, or private club used and occupied for such organizational purposes.

**Section 9.24.040 Complaint Procedure**

A. Any person aggrieved by any discriminatory practice as prohibited by this chapter, may file with the Mayor, a complaint in writing, which shall be filed under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this chapter, and shall further set forth the particulars of said violation, and may include such other information as may be required by the Mayor. Complaints filed under this section must be filed within 30 days after the alleged violation, and failure to file within said time period shall be considered a waiver of the application of this chapter. The City may issue a complaint on its own initiative at any time that it comes within the knowledge of the City that a person has violated any of the provisions of this section.

B. The Mayor shall forward the filed complaint to the State Human Rights Commission for investigation and resolution. The State Human Rights Commission has 100 days to complete its investigation. If the State Human Rights Commission cannot complete its investigation in that time period, it must notify the U.S. Department of Housing and Urban Development (HUD) in writing explaining the cause of the delay.

C. The State Human Rights Commission will attempt to conciliate the complaint. Under State law, the State Human Rights Commission must prosecute the alleged violator if the facts warrant it. If the State Human Rights Commission finds the complaint guidelines issued by the U.S. Department of Housing and Urban Development, the findings will be honored by HUD. The complainant may, however, pursue redress through District Court within two years of the alleged violation or from two years of the date notice is given by the State Human Rights Commission that the matter will not be pursued.

### **Section 9.24.050 Severability Clause**

If any provisions of this ordinance or the application thereof, to any person or circumstance, is held invalid by a Court of competent jurisdiction, the invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

### **Section 9.24.060 Complaint procedure.**

A. Any person aggrieved by any discriminatory practice as prohibited by this section, may file with the fair housing council, a complaint in writing which shall be filed under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this section, and shall further set forth the particulars of the violation, and may include such other information as may be required by the council. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within the time period shall be considered a waiver of the application of this section. The council may issue a complaint on its own initiative, at any time that it comes within the knowledge of the council that a person has violated any of the provisions of this section.

B. The council shall investigate each complaint filed with the council, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days will be allowed for the purpose of investigation, conference, and conciliation. Upon determination that a complaint is not well founded, the council shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the council takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed. (Prior code § 5-525)

### **Section 9.24.070 Hearing by council.**

A. If the council is unsuccessful by means of conference or conciliation in securing compliance with this section by any person, firm, corporation or association against which a complaint has been filed, then a notice in writing shall be served upon the person complained against, hereinafter referred to as the "respondent." Notifying the respondent of the alleged violation of the provisions of this chapter and requesting that the respondent answer charges of the complaint at a hearing before the council.

B. The council shall give notice of any such hearing at least ten (10) days before the date and time which such hearing has been set. Any and all notices required under the provisions of this chapter may be served personally on any person complained against, or by mailing a copy thereof by certified registered mail, with return receipt requested, to the most current business or residential address of the person.

C. The notice shall contain the request for the respondent to appear at a hearing for the purposes of determining whether or not a violation of this chapter has been committed, which hearing shall be held at a certain time and place which shall be specified in the notice. The notice shall advise the respondent that upon failure to comply with the notice, the respondent shall be considered to be in violation of the provisions of this chapter.

D. At any such hearing, as provided for above, the complaint shall be heard by the council. At the hearing, the respondent, person, firm, corporation, or association shall appear either in person or by counsel and shall be required to file a written answer to the complaint. The complainant or person aggrieved by the actions of the person, firm, corporation or association may also appear in person or by counsel at the hearing. The council will then proceed to hold a hearing to determine whether the respondent has committed an act in violation of the provisions of this chapter and which act is detrimental to the health, benefit and welfare of the public, the community, and the citizens of the city.

E. The council, when conducting any hearing, shall permit both the person aggrieved and the respondent to introduce any such witnesses, evidence, testimony, or exhibits as either party deems necessary and prudent. Further the council may at such time permit amendments to any written complaint or answer as filed with the council and all testimony taken at the hearing shall be under oath. Either party represented at the hearing shall have the right to request that the testimony be transcribed, or the testimony shall be transcribed at the direction of the council:

1. Findings of the Council. If the council finds at any such hearing, that the respondent has engaged in discriminatory practices as prohibited by this chapter, it shall state its findings of fact in written report form and forward the report to the City Attorney for appropriate action; or

2. If the council, upon hearing, finds that respondent has not engaged in any discriminatory practices as prohibited herein, it shall so state its findings in written form, and further shall issue and file an order dismissing the complaint.

F. The council shall have the authority and right to promulgate such rules and regulations and shall govern, expedite, and assist the foregoing procedures as it deems necessary. It shall further maintain all files as provided for herein. (Prior code § 5-526)

#### **Section 9.24.080 Penalty.**

Any person or other legal entity which shall violate any of the provisions of this chapter or fails to comply therewith or with any of the requirements thereof shall be deemed guilty of an offense punishable as provided in Section 1.20.010 of this code. (Prior code § 5-527)



## Chapter 9.28

### OFFENSES BY OR AGAINST MINORS

#### Sections:

**9.28.010 Curfew for minors.**

**9.28.020 Truancy**

#### **Section 9.28.010 Curfew for minors.**

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

"Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor.

"Guardian" is any person other than a parent who has legal guardianship of a minor.

"Minor" is any person under the age of eighteen (18).

"Parent" is the natural or adoptive parent of a minor.

"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 other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, 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 twelve midnight and five a.m. in the morning on any day unless:

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 or her 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 or her parent, guardian, custodian or other adult having the care and custody of the minor;

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

4. Within one hour following the ending, closing, adjournment or dismissal of a meeting, service or activity of, and sponsored by, a public school, church or religious organization, which has been participated in or attended by such minor who is returning directly to his or her home or place of abode; or

5. When a minor has in his or her possession a written exemption granted by the chief of police of the city.

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 consecutive days, or in the alternative, two 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 or her judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his or her 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 § 10-410)

### **Section 9.28.020 Truancy**

A. It shall be unlawful for a parent of a minor who is over the age of five (5) years and under the age of eighteen (18) years, to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled. (Added by Ord 1113, adopted 09/26/05; Amended by Ord 1236, adopted 04/08/13)

B. It shall be unlawful for any minor who is over the age of eight (8) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends are in session. (Added by Ord 1113, adopted 09/26/05; Amended by Ord 1236, adopted 04/08/13)

Provided, that this section shall not apply:

(1) 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 such physician is available, a duly licensed and practicing physician;

(2) 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 of the minor;

(3) If any such minor is excused from attending school by:

a) The administrator of the school or district where the minor attends school, and

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

(4) If any such minor is observing religious holy days prior to the absence and the parent of the minor submits written request for the absence, the school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

(5) If the child is a participant in an accredited home school program. (Added by Ord 1113, adopted 09/26/05)

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## Chapter 9.32

### WEAPONS AND EXPLOSIVES

#### Sections:

- 9.32.010 Storing or keeping explosives.**
- 9.32.020 Discharge of Certain Weapons Prohibited.**
- 9.32.030 Discharge of Firearms Prohibited.**
- 9.32.040 Transportation of Loaded Firearm Prohibited.**
- 9.32.050 Carrying of Weapons Prohibited.**

#### **Section 9.32.010 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 quantities of not to exceed five pounds where the same is securely kept. (Prior code § 10-304)

#### **Section 9.32.020 Discharge of Certain Weapons Prohibited.** (1238, adopted 06/24/14)

A. It is unlawful and an offense for any person to discharge an air rifle, air pistol, bow, cross bow, sling shot, spear, blowgun or similar instrument in which the propelling force is a spring, air, or other method other than that of a firearm within the city, unless at a firearms range approved by the Chief of Police. (1238 adopted 06/24/14)

B. It shall not be a violation of this section if a weapon described in paragraph A of this section is discharged for any of the following reasons:

1. When done by any peace officer in the performance of any legal duty or by any person assisting such officer or acting as such officer's direction;
2. When resisting any attempt to murder or to commit any felony upon any person or upon any dwelling occupied by any person;
3. When discharge in the lawful defense of any person when there are reasonable grounds to apprehend a design to commit a felony or to do some great personal injury and there is imminent danger of such design or injury being accomplished;
4. When necessarily discharged in an attempt, by lawful means, to arrest any person for any felony committed, in the suppression of any riot, or lawfully keeping or preserving the peace;
5. When discharged by an unforeseeable accident or misfortune, while doing any lawful act, by lawful means, using ordinary care, without unlawful intent;
6. When done by military personnel in the performance of any lawful duty at a military function or federal or state armed forces, including but not limited to the Oklahoma Army or Air National Guard, Federal Military Reserve, or other active military forces; and

7. When discharged in the lawful defense of any person or property and there are reasonable grounds to apprehend a great injury from the presence of a vicious, dangerous, or deadly animal;

8. When done as a part of any funeral, play, educational demonstration or other event approved by the Chief of Police;

9. When done at a firearms range that has been approved by the Chief of Police;

10. The Chief of Police or his designee may grant exceptions to this section for the purposes of hunting on parcels of land within the corporate city limits over five acres, and may also grant an exception for special events when the Chief has determined the safety of the public is adequately protected during the event. This exemption may be predicated on conditions set forth to insure safe conduct of the activity. Any exemption must be given in writing from the Chief of Police. The Chief of Police will be the sole and final authority in granting any exception to this section. (Prior code § 10-307; Amended by Ord 1238, adopted 06/24/14; Amended by Ord 1259, adopted 10/13/14)

### **Section 9.32.030 Discharge of Firearms Prohibited.**

A. Any person who shall willfully discharge any firearm within the corporate limits of the City shall be guilty of an offense. A firearm as used herein shall be as defined by Oklahoma State Statute Title 21 O.S. 1289 in its entirety. (Amended by Ord 1238, adopted 06/24/14)

B. It shall not be a violation of this section if a firearm is discharged for any of the following reasons:

1. When done by any peace officer in the performance of any legal duty or by any person assisting such officer or acting at such officer's direction;

2. When resisting any attempt to murder or to commit any felony upon any person or upon any dwelling occupied by any person;

3. When discharge in the lawful defense of any person when there are reasonable grounds to apprehend a design to commit a felony or to do some great personal injury and there is imminent danger of such design or injury being accomplished;

4. When necessarily discharged in an attempt, by lawful means, to arrest any person for any felony committed, in the suppression of any riot, or lawfully keeping or preserving the peace;

5. When discharged by an unforeseeable accident or misfortune, while doing any lawful act, by lawful means, using ordinary care, without unlawful intent.

6. When done by military personnel in the performance of any lawful duty at a military function or federal or state armed forces, including but not limited to the Oklahoma Army or Air National guard, Federal Military Reserve, or other active military forces; and

7. When discharged in the lawful defense of any person or property and there is reasonable grounds to apprehend a great injury from the presence of a vicious, dangerous, or deadly animal.

8. When done as a part of any funeral, play, educational demonstration or other event approved by the Chief of Police where the firearm being discharged uses a simulated round commonly referred to as a blank. (Amended by Ord 1127, adopted 03/13/06; Amended by Ord 1238, adopted 06/24/14)

9. When done at a firearms range that has been approved by the Chief of Police. (Added by Ord 1238, adopted 06/24/14.)

10. The Chief of Police or his designee may grant exceptions to this section for the purposes of hunting on parcels of land within the corporate city limits over five acres and may also grant an exception for special events when the Chief has determined the safety of the public is adequately protected during the event. This exemption may be predicated on conditions set forth to insure safe conduct of the activity. Any exemption must be given in writing form the Chief of Police. The Chief of Police will be the sole and final authority in granting any exception to this section. (1238, eff. 06/24/14; 1259, eff. 10/13/14)

Any violation of this ordinance shall be a violation of the ordinances of the City and subject to the maximum penalty set forth by ordinance for Class A violations. Each separate day of violation shall constitute a separate offense.

#### **Section 32.040 Transportation of Loaded Firearm Prohibited.**

Any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid concealed handgun permit authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or open in the vehicle, shall be issued a traffic citation in the amount of Seventy Dollars (\$70.00), or such amount as state law from time to time may allow, plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, this person may also be arrested for any other violation of law.

When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:

a. contraband, or

b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

Nothing in this section shall be construed to require confiscated of any firearm.

#### **9.32.050 Carrying of Weapons Prohibited.**

It shall be unlawful and an offense for any person to carry upon or about his or her person, or in a purse or other container, any dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens

automatically by hand pressure applied to a button, spring, or other devices in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon is concealed or unconcealed; except this section shall not prohibit:

1. Regulate or touch in any way pistols, rifles, or other firearms, their components, ammunition, or supplies, in deference to state preemption of this subject matter, pursuant to the Oklahoma Self-Defense Act, 21 O.S. Supp.1996, § 1289.24;

2. The proper use of knives for hunting, fishing, educational, or recreational purposes;

3. The carrying or any use of any weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act, 21 O.S. Supp. 1996, §§ 1290.1, et. seq.; or

4. The carrying, possession, or use of any weapon by a peace officer in the performance of official duties and in compliance with the rules of the employing agency. (1127, Amended, 03/13/2006.)



## Chapter 9.36

### SMOKING REGULATED IN CERTAIN PUBLIC PLACES

#### Sections:

- 9.36.010**     **Definitions.**
- 9.36.020**     **Prohibition of Tobacco Products and Vapor Products.**
- 9.36.030**     **Smoking Prohibited in Indoor Workplaces.**
- 9.36.040**     **Smoking Regulated in Restaurants.**
- 9.36.050**     **Responsibility for Compliance.**
- 9.36.060**     **Violation and Penalty.**
- 9.36.070**     **Enforcement**

#### **Section 9.36.010**   **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 Area:** means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, hallways, any other spaces used or visited by employees or the public, 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 areas at any given time, whether or not work is being performed;

b)     **Outdoor Area:** means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city;

c)     **Recreational Area:** means any area that is owned, controlled or used by the City of Sand Springs 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, and skateboard parks;

d)     **Tobacco Products:** means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.

e)     **Tobacco-Free:** means to prohibit the use of any tobacco product by anyone, anywhere, at any time;

f)     **Vapor Product:** shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor 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. (1290, eff. 10/24/2016; 1327, Amended 08/27/18)

**Section 9.36.020 Prohibition of Tobacco Products and Vapor Products on City-Owned/Operated Property**

a) The use 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 or outdoor areas owned or operated by this city.

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 vapor products.

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 vapor products. (1290, eff. 10/24/2016)

**Section 9.36.030 Smoking Prohibited in Indoor Workplaces**

a) The use of lighted tobacco products in any form in any indoor workplace under private ownership that is used by or open to the public shall be prohibited unless otherwise allowed by applicable federal, state or county laws, rules, and regulations. An “indoor workplace” shall be construed to include all portions of building interiors occupied by or otherwise accessible to employees, agents, volunteers or other personnel engaging in corporate functions, or the provision of goods or services to the public.

b) The provisions of this section shall not apply to:

1. A bar, tavern, club or other establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and/or low-point beer; and that is not located within or that does not share any common entryway or common indoor area with any other enclosed indoor workplace, including a restaurant.

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games.

3. Up to 25 percent of the guest rooms at a hotel or other lodging establishment.

4. Retail tobacco stores predominantly engaged in the sales 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.

5. 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.

6. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access.

7. Private offices occupied exclusively by one or more smokers.

8. 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.

9. Medical research or treatment centers, if smoking is integral to the research or treatment.

10. 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 applicable sections of the Internal Revenue code, 26 U.S.C., 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.

11. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within 25 feet of any exterior public doorway or any air intake facility of a restaurant.

c) An employer not otherwise restricted from doing so 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 non-smoking area. No exhaust from a smoking room shall be located within 25 feet of any building entrance, exit, or air intake facility.

d) If smoking is to be permitted in any space exempted in the foregoing portions 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 25 feet of any building entrance, exit, or air intake facility.

e) Any employer may choose a more restrictive smoking policy, including being totally nonsmoking. (1290, eff. 10/24/2016)

#### **Section 9.36.040 Smoking Regulated in Restaurants**

a) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within 25 feet of any building entrance, exit, or air intake facility. Such room shall be subject to verification for compliance with the provisions of this Section by the Oklahoma State Department of Health. (1290, eff. 10/24/2016)

#### **Section 9.36.050 Responsibility for Compliance**

a) A sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance to a building where smoking is prohibited indoors under provisions of this Chapter indicating that the premises is nonsmoking or tobacco free.

b) If an outdoor area is designated nonsmoking or tobacco free under provisions of this Chapter, a sign or decal with lettering at least one (1) inch in height shall be posted in a prominent location indicating that the area is nonsmoking or tobacco free. Such signage shall designate in numeric or graphical specificity the area that is designated nonsmoking or tobacco.

c) For purposes of compliance responsibility upon private properties, the owner, lessee, or other person in control of the building or facility, shall be responsible for compliance with provisions of this Chapter. Upon public properties, the manager, supervisor, or other person in control of the building or facility, shall be responsible for compliance with provisions of this Chapter. (1290, eff. 10/24/2016)

#### **Section 9.36.060 Violation and Penalty**

a) Any person who knowingly violates this Chapter shall be deemed guilty of a Class "C" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. (1290, eff. 10/24/2016)

#### **Section 9.36.070 Enforcement**

The State or local governmental agency shall, at a minimum, do the following in order to prevent tobacco and vapor product use in city owned/operated places:

a) Post signs at entrances to city owned/operated places which state that tobacco use is prohibited; and

b) Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this act. (1290, eff. 10/24/2016)

## Chapter 9.40

### PREVENTION OF YOUTH ACCESS TO TOBACCO

#### Sections:

- 9.40.010 Definitions.**
- 9.40.020 Unlawful to Sell or Furnish Tobacco, Nicotine or Vapor Product to Persons Under Twenty-One Years of Age.** (Amended 1404, 10/24/2022, eff. 11/02/2022)
- 9.40.030 Distribution of Tobacco Product and Vapor Product Samples.** (Amended 1404, 10/24/2022, eff. 11/02/2022)
- 9.40.040 Public Access to Displayed Tobacco, Nicotine or Vapor Products.** (Amended 1404, 10/24/2022, eff. 11/02/2022)
- 9.40.050 Enforcement.** (Amended 1404, 10/24/2022; eff. 11/02/2022)

**Section 9.40.010 Definitions.** (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

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. **Nicotine product:** means 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;
2. **Person:** means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;
3. **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;
4. **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;
5. **Sampling:** means the distribution of samples to members of the public in a public place;
6. **Tobacco product:** means any product that contains tobacco and is intended for human consumption;
7. **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;
8. **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-issued photo identification; and

9. 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. (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

**Section 9.40.020 Unlawful to Sell or Furnish Tobacco, Nicotine or Vapor Product to Persons Under Twenty-One Years of Age** (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

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 a tobacco product, 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 products, nicotine products or vapor products when required in 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. 1. Any violation of subsection A or B of this article is an offense against the City of Sand Springs; upon conviction of any such offense, the violator shall be punished as follows:

a. Not more than One Hundred Dollars (\$100.00) for the first offense;

b. Not more than Two Hundred Dollars (\$200.00) for the second offense within a two-year period following the first offense;

c. Not more than Three Hundred Dollars (\$300.00) for the third 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 thirty (30) days, or

d. 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.

2. 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 proved that:

a. 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

b. 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. (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

**Section 9.40.030 Distribution of Tobacco Product and Vapor Product Samples** (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

A. It shall be unlawful for any person or retailer to distribute tobacco products, nicotine products, 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 person 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 offense; and
3. Not more than Three Hundred Dollars (\$300.00) for a third or subsequent offense. (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

**Section 9.40.040 Public Access to Displayed Tobacco, Nicotine or Vapor Products** (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

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. (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

**Section 9.40.050 Enforcement** (Amended 1404, 10/24/2022, eff. 11/02/2022; Amended 1322, 06/25/2018)

A. Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to subsection 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 Administrator/Court Clerk or his designee and compliance checks shall be reported by the Chief of Police or his 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 ABLE Commission. The City of Sand Springs hereby repeals this section in accordance with Oklahoma state statute Title 37 Section 600.10. (Amended 1322, 06/25/2018)



## Chapter 9.44

### OFFENSE TO PERMIT OR ALLOW GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES

#### Sections:

- 9.44.010**     **Definitions.**
- 9.44.020**     **Consumption of Alcoholic Beverages by Minors Unlawful.**
- 9.44.030**     **Hosting, Permitting or Allowing a Party, Gathering or Event With Minors Consuming Alcoholic Beverages Prohibited.**
- 9.44.040**     **Penalties.**

#### **Section 9.44.010**   **Definitions.**

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic Beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low-point beer as defined herein.

“Gathering” is a party, gathering or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

“Intoxicating Beverage” includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

“Legal Guardian” means: (1) A person by who, by court order, is the guardian of the person of a minor; or (2) A public or private agency with whom a minor has been placed by the court.

“Low Point Beer” means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

“Minor” means any person less than twenty-one (21) years of age.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

“Premises” means any residence or other private property, place, or premises, including any commercial or business premises.

“Response Costs” are the costs associated with responses by law enforcement, code enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a

gathering; (3) The cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) Any other allowable costs related to the enforcement of this Chapter.

**Section 9.44.020 Consumption of Alcoholic Beverages by Minors Unlawful.**

Except as permitted by state law, it is unlawful for any minor to consume an alcoholic beverage at any public place or any place open to the public, or to consume at any place not open to the public any alcoholic beverage; unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

**Section 9.44.030 Hosting, Permitting or Allowing a Party, Gathering or Event With Minors Consuming Alcoholic Beverages Prohibited.**

A. It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises, to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

B. It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises, where at least one minor consumes an alcoholic beverage; whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in Part "A" of this Section.

C. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

D. Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public, then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

E. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

F. This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

**Section 9.44.040 Penalties.**

A) Any person who shall violate the provisions of this Chapter shall be deemed guilty of a Class "A" offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each separate incident of violation shall constitute a separate offense.

B) Violations of this Chapter shall also be subject to civil and/or administrative penalties as assessed or otherwise sought by the City of Sand Springs. The City may seek administrative fees and response costs as defined in this Chapter that are associated with enforcement of this Chapter through all remedies or procedures provided by state statute, or City ordinance or resolution. This Section shall not limit the authority of law enforcement officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Chapter, nor shall it limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Chapter.

C) This Chapter shall not apply where prohibited or preempted by state or federal law. (1178, Added, 04/27/2009)

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