

## **CHAPTER 13 OFFENSES**

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### **Article 1. Offenses in General.**

#### **Section 13-1. Offense and Violation Defined; Penalty Not an Excuse.**

- 1. The word "offense," whenever used in this Code or in any Title, chapter or ordinance of the Town 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 Town.**
- 2. A "violation" is 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 Town and unlawful.**
- 3. The imposition of one penalty for an 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.**

#### **Section 13-2. Attempts to Commit an Offense.**

Every person who attempts to commit an offense against the Code of Ordinances of the Town of Mountain Park, Oklahoma, and in such attempt does any act toward the commission of such offense, but fails, is prevented or intercepted **or interrupted** in the perpetration thereof, shall be guilty of an offense and shall be punished in the manner prescribed for the offense itself.

#### **Section 13-3. Effect of Intoxication.**

No act committed by any person while in a state of voluntary intoxication, whether from alcoholic beverages or drugs, shall be deemed less an offense by reason of **the** person being in such condition.

#### **Section 13-4. 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, shall be guilty of an offense and punishable in the same manner as the principal offender.

**Section 13-5. Title 21 of Oklahoma Statutes Adopted by Reference.**

The provisions of Title 21 of Oklahoma Statutes, titled Crimes and Punishments, as the same are applicable to the Town of Mountain Park, Oklahoma, are hereby adopted and incorporated fully by reference in this Code of Ordinances, as if set out at length herein.

**Section 13-6. Capacity to Commit Offense or Violation.**

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

1. Children under the age of seven (7) years;
2. 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;
3. 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;
4. 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;
5. who committed the act charged without being conscious thereof, involuntarily; and
6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

**Section 13-7. Nuisances.**

It shall be unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance, as further defined in this Code of Ordinances, on or about any premise or premises owned by him or under his control at any place within the corporate limits of the Town. Penalties for violation of this section shall be pursuant to Section 11-40, Article 3, Chapter 11 of this Code of Ordinances.

**Section 13-8. Conspiracy; Limitations of Actions.**

1. Any two or more persons assembled or who shall assemble or shall plan with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement or overt act therefor against the property of the Town or the person or property of another person shall be guilty of an offense.
2. The time within which a charge may be filed under the provisions of this chapter shall be one (1) year from the date of the commission or omission or in cases involving fraud, deception or deceit, one (1) year from the discovery of the fraud, deception or deceit unless otherwise provided by Oklahoma statutes.

**Section 13-9. Lawful Use of Force.**

1. To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the Town 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 acting by his direction;
  - b. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;
  - c. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his 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 person or property;
  - d. When committed by a parent or authorized agent or any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his 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 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 personal safety;

- 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 or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;
  - g. In preventing or interrupting an intrusion upon the lawful possession of property;
  - h. To preserve the peace or prevent the commission of an offense.
2. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

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

**Section 13-10. Gambling Prohibited.**

No person, firm or corporation (or agent or employee thereof) shall play, open or cause to be opened, operate, carry on or conduct any game of roulette, craps or any percentage game played with dice, for money, checks, chips, credit or any other things of value; or shall 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; or shall gamble knowingly in any other similar manner; or shall knowingly permit premises, houses, lots or other property controlled by said entities, to be used in connection with or for, any act declared unlawful in this Chapter.

**Section 13-11. False or Bogus Checks.**

- 1. It shall be unlawful for any person, with intent to cheat or defraud, to obtain or attempt to obtain, from any person, firm or corporation, any money, property, **service** or valuable thing, of the value of **one hundred dollars (\$100.00)** or less, by means of any false or bogus check or by any other written, printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay the same, as against the maker or drawer thereof.
- 2. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, that, such maker or drawer shall not have paid the drawee the amount due thereof, together with the protest fees, within five (5) days from the date the same is presented for payment; provided, further, that, said check or order is presented for payment within thirty (30) days after the same is delivered and accepted.

**Section 13-12. Harmful Deception.**

It shall be 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 a third party, or results in, or contributes to, the benefit of the deceiver.

**Section 13-13.        Obstruction; Trespassing; Loitering.**

1. It shall be unlawful for any person, without lawful reason, between the hours of 12:00 o'clock **p.m.** (midnight) and 5:00 o'clock a.m., to sleep upon any street or in any other public place, or on any property of another person without the **express** consent of the owner or person in charge of such place.
2. It shall be unlawful for any person to obstruct access to or trespass in or about any public building, in or about the station or depot of a public transportation carrier, or on or about the premises of a public or private school.
3. It shall be unlawful for any person to stand or remain, either alone or in consort with others, in a public place or building, in such a manner as to:
  - a. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
  - b. Commit in or upon any public street, highway, sidewalk or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or any business lawfully conducted by anyone in, upon, facing or fronting on any such public street, highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

**Section 13-14.        Offenses Relating to Controlled Dangerous Substances.**

1. **The Oklahoma Alcohol Services Act (the "Act"), codified at Title 43A O.S. § 3-401, et seq. is hereby adopted and incorporated fully by reference to the extent that provisions of the Act apply to the Town of Mountain Park, Oklahoma.**
2. **It shall be unlawful for any person under the influence of any narcotic or other controlled dangerous substance, to appear or be upon or in any street, alley, place of business or other public place within the Town of Mountain Park, Oklahoma; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within said Town; or for any person to use any narcotic or other controlled dangerous substance in any place within the Town.**
3. **An intoxicated person in a public place who appears to be in need of help, if the person consents to the offered help, may be assisted to:**

- a. His or her home;
  - b. An alternative facility pursuant to the provisions of Title 43A O.S. § 3-428; or
  - c. An approved treatment or evaluation facility by a peace officer or an emergency service patrol.
- 3.01. A person who appears to be intoxicated, and as a result of such intoxication is unconscious in a public place or reasonably appears to be in danger of harming himself or herself or others, may be taken into protective custody by a peace officer or an emergency service patrol and immediately brought to an approved treatment facility for medical or nonmedical detoxification.
- 3.02. The peace officer or the emergency service patrol, in detaining the person and taking the person to an approved treatment facility, is taking the person into protective custody and shall make every reasonable effort to protect the person's health and safety.
- 3.03. In taking the person into protective custody, the detaining officer may take reasonable steps for self-protection. No record shall be made which indicates that the person has been arrested or charged with a crime.
- 3.04. If the Department of Mental Health and Substance Abuse Services, or the governing body of the Town of Mountain Park, Oklahoma has approved a program alternative to municipal requirements of prosecution and imprisonment of such person, until the capacity to accommodate intoxicated persons has been exceeded in the facility wherein such alternative program is located, the arresting officer shall utilize such alternative treatment program upon the voluntary approval of the intoxicated person and the receiving facility rather than proceed under the municipal laws pertaining to prosecution and imprisonment of intoxicated persons.
- 3.05. A person in possession of a controlled dangerous substance, as defined in Title 63 O.S. § 2-101, or in possession of drug paraphernalia, as defined in Title 63 O.S. § 2-405, who appears to be in need of help, and if the person consents to the offered help, in lieu of arrest, may be taken to:
- a. an approved drug treatment center,
  - b. an approved center for substance abuse evaluation, or
  - c. some other facility, as defined in paragraph 1 of subsection C of Title 43A O.S. § 3-428 by a law enforcement officer.

4. An intoxicated person in a public place may be arrested and prosecuted for public intoxication under this Code only in compliance with Title 43A O.S. § 3-428.

**Section 13-15. Immoral Conduct, Shows or Exhibitions; Nudity.**

1. It shall be unlawful for any person or persons to conduct themselves in a lewd or immoral manner or make any insulting or licentious advance or salutation to any person, in any public place within the Town of Mountain Park, Oklahoma.
2. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the Town of Mountain Park, Oklahoma, which is obscene or immoral.
3. It shall be unlawful for any person to appear in any public place within the Town of Mountain Park, Oklahoma, in a state of total or partial nudity, or for any person or persons to make an indecent public exposure of themselves.
4. It shall be unlawful to publicly display pornographic magazines or books for sale in any store within the corporate limits of the Town of Mountain Park, Oklahoma.
5. It shall be unlawful for any person to urinate or defecate in any publicly exposed place within the corporate limits of the Town of Mountain Park, Oklahoma.

**Section 13-16. Prostitution; Illicit or Sexual Relations.**

1. It shall be unlawful for any person to offer, or to engage in any lewd or immoral act for money or any other thing of value.
2. It shall be unlawful for any person to engage in sexual relations or to consort with a prostitute or to consort with another for an immoral purpose, in any public place within the Town of Mountain Park, Oklahoma.
3. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within the Town of Mountain Park, Oklahoma, where persons meet or assemble for sexual relations or for any other lewd or immoral purpose.
4. It shall be unlawful and an offense for any person to act as a procurer for any house or place of prostitution or for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure, any person for another for sexual relations or any other immoral purpose.

**Section 13-17. Certain Conduct Prohibited On or Near School Grounds.**

1. No person shall engage in any conduct or commit any of the acts enumerated below around or on the grounds of, any school in the Town of Mountain Park, Oklahoma, or in any street, alley or public area adjacent to a school:
  - a. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;
  - b. Any conduct that disturbs the orderly conduct of the school;
  - c. Annoying or molesting any student or employee of the school;
  - d. Lewd or wanton conduct; or
  - e. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

**Section 13-18.        Alcoholic or Intoxicating Beverages.**

1. It shall be unlawful for any person under twenty-one (21) years of age to misrepresent the person's age through false documentation, for the purpose of inducing any person to sell alcoholic beverages to the person.
2. It shall be unlawful for any person under twenty-one (21) years of age to have in their possession any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the Town of Mountain Park, Oklahoma.
3. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.
4. It shall be unlawful for any person to transport in any vehicle upon any street, alley or other public way within the Town of Mountain Park, Oklahoma, any alcoholic beverage, except in the original container which shall not have been opened and the seal of which shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.
5. It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the State Constitution and Laws or the Code of Ordinances of the Town of Mountain Park, Oklahoma.

**Section 13-19.        Non-intoxicating Beverages.**

1. **The term "non-intoxicating beverage" as used in this Section shall be as the term is defined under this Code or under Oklahoma State law.**



2. It shall be unlawful for any person under twenty-one (21) years of age to purchase, receive or procure any non-intoxicating beverage.
3. It shall be unlawful for any person under twenty-one (21) years of age to work in a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.
4. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any non-intoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the Town of Mountain Park, Oklahoma; provided, that, this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.
5. It shall be unlawful for any person to transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate Limits of the Town of Mountain Park, Oklahoma, or in or upon any property owned by said Town outside of its corporate limits, any non-intoxicating beverage, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

**Section 13-20. Contributing to Delinquency of Minors.**

1. A "minor" or "child" shall include **any person who has not attained the age** of eighteen (18) years at the time of the commission of the offense. A "delinquent child" shall include a minor violating any penal statute of this State or who commits any offense listed in this Code of Ordinances.
2. It shall be unlawful for any person to knowingly and willfully cause, aid, abet or encourage a minor to be, to remain or to become a delinquent child, as defined herein.

**Section 13-21. Cigarettes to Minors.**

It shall be unlawful and an offense for any person to sell, barter, give away or otherwise furnish cigarettes or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by **such** person, for the purpose of indulging in the use of cigarettes or tobacco in any form.

**Section 13-22. Curfew For Minors.**

1. **As used herein**, the following terms, phrases, words and their derivations shall have the meanings given herein:

- a. Minor. The word “minor” shall mean any person under eighteen (18) years of age.
  - b. Parent. The word “parent” shall mean any person having legal custody of a minor (a) as a natural or adoptive parent, (b) as a legal guardian, (c) as a person who stands in loco **parentis**, or (d) as a person to whom legal custody has been given by order of the Court.
  - c. Public Place. The term “public place” shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center or any other place devoted to amusement or entertainment of the general public; it shall also include the front or immediate area of the above.
  - d. Remain. The word “remain” shall mean to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets, for ordinary or serious purposes, such as mere passage or going home.
  - e. Street. The word “street” shall mean a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof, for pedestrian travel; the term “street” includes the legal right-of-way, including but not limited to, the cart way or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.
  - f. Time of Night. The term “time of night” shall be based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public.
  - g. Town. The word “Town” shall mean the Town of Mountain Park, Kiowa County, Oklahoma.
  - h. Years of Age. The term “years of age” shall continue from one (1) birthday, such as the seventeenth (17) to (but not including the day of) the next, such as the eighteenth (18) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase “under eighteen (18) years of age.”
2. It shall be unlawful for any person seventeen (17) or less years of age (under eighteen) to be or remain in or upon the streets within the Town of Mountain Park, Oklahoma, at night during the period

3. In the following exceptional cases, a minor on a public street, during the nocturnal hours for which Subsection 2 (above) is intended to provide the maximum limits of regulation, shall not, however, be considered in violation:
- a. When accompanied by a parent of such minor;
  - b. When accompanied by an adult authorized in writing by a parent of such minor, to take the parent's place in accompanying the minor
  - c. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor, with their home address and telephone number, specifying when, where and in what manner, the minor will be on the streets at night, in the exercise of a First Amendment right specified in such communication;
  - d. In case of reasonable necessity, but only if the minor possesses a written communication signed by a parent of such minor, evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets, at a designated time, for a described purpose, including points of origin and destination;
  - e. When returning home, by a direct route from (and within thirty minutes of the termination of) a school activity, or an activity of a religious or voluntary association; provided, that, the minor has a written communication, in the minor's possession, signed by a parent, indicating the home address and telephone number, the purpose for the event, when, where and in what manner, the minor will be on the streets at night;
  - f. When authorized, by a regulation issued by the Town Board of Trustees, in other similar cases of reasonable necessity, similarly handled, but adapted to necessary nighttime activities, or more minors than can readily be dealt with on an individual special permit basis; normally such regulation by the Town Board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved (not to extend more than thirty minutes beyond the time for termination of such activity), and the reason for finding that such regulation is reasonably necessary and consistent with the public interest and the purposes of this Section;
  - g. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment, and his hours of employment, or carries a valid proof of employment, which may include the latest payroll receipt, not over thirty (30) days old;

- h. When the minor is, with parental consent, in a motor vehicle; this contemplates normal travel and clearly exempts bona fide interstate movement through the Town, particularly on normal routes.
4. It shall be unlawful for a parent, having legal custody of a minor, to knowingly permit, or by inefficient control to allow, such minor to be, or remain upon, any public street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Section. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody.
5. A police officer of the Town of Mountain Park, Oklahoma, upon finding or having attention called to any minor on the streets in prima facie violation of this Section, normally shall take the minor to the Mountain Park Police Station, or other place designated by the Chief of Police, where a parent shall immediately be notified to come for such minor.
6. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.

**Sections 13-23 through 13-29.**

**(Reserved for future use.)**

**Article 3. Offenses Against the Peace.**

**Section 13-30. Carrying Weapons; Discharging Firearms.**

1. It shall be unlawful for any person to carry upon or about their person any pistol, revolver, knife, dagger, metal knuckle or other dangerous or deadly weapon or instrument, except when doing so in the line of duty or as may be permitted by Oklahoma law.
2. It shall be unlawful for any person to transport a loaded firearm on any public street or alley within the corporate limits of the Town of Mountain Park, Oklahoma, except when doing so in the line of duty or as may be permitted by Oklahoma law.
3. It shall be unlawful for any person to discharge a firearm within the corporate limits of the Town of Mountain Park, Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by State law or ordinance. **It** shall also be unlawful to discharge an air rifle or

BB gun within the Town of Mountain Park, Oklahoma, in such a manner as to harm or damage persons or property.

**Section 13-31. Unlawful Assembly; Disturbing Lawful Assemblies.**

1. It shall be unlawful for two (2) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefor, or otherwise to assemble together for other unlawful purposes.
2. It shall be unlawful for any person to disturb any lawful gathering by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

**Section 13-32. Disturbing the Peace; Obscene Gestures; Harassing Phone Calls.**

1. It shall be unlawful for any person to disturb the peace of another or others by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive or abusive language, or by conducting oneself in a disorderly manner.
2. It shall be unlawful for any person to use a telephone to:
  - a. Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;
  - b. To annoy, abuse, threaten or harass any person at the called number;
  - c. Knowingly permit any telephone under control of said person to be used for any purpose prohibited in this Subsection; or
  - d. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.
3. It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of the person's extremities, toward any other human being or object within the corporate limits of the Town of Mountain Park, Oklahoma.

**Sections 13-33 through 13-39. (Reserved for future use.)**

**Article 4. Offenses Against Persons.**

**Section 13-40. Assault and Battery.**

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

2. A battery is any willful and unlawful use of force or violence upon the person of another.
3. It shall be unlawful to commit an assault or an assault and battery within the Town of Mountain Park, Oklahoma.
4. It shall be unlawful and an offense 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 officer of the law, while ~~said~~ the person is performing assigned duties.

**Sections 13-41 through 13-49.**

**(Reserved for future use.)**

**Article 5. Offenses Against Property.**

**Section 13-50. Petit Larceny.**

1. Petit larceny is the taking of personal property of value not to exceed **one thousand dollars (\$1,000.00) accomplished** by fraud or stealth, or with intent to deprive another thereof, when the property is not taken from another.
2. Petit larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

**Section 13-51. Receiving Stolen Property.**

It shall be unlawful for any person to buy, receive, transport or bring into the Town of Mountain Park, Oklahoma, any property which person knows has been stolen.

**Section 13-52. Damaging or Destroying Property.**

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

**Section 13-53. Unlawful Entry; Unlawful Intrusion; Private Property.**

1. It shall be unlawful for any person to enter, without proper permission, upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), particularly **but not limited to** 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 the line of duty **or** with the **express** consent of the owner or person in charge, or otherwise by authority of State law or Ordinance.
2. Every person who intrudes or squats **(i.e. occupying property not owned and without permission)** upon any lot or piece of land within the Town of Mountain Park, Oklahoma,

without authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the Town, any structure whatever, shall be guilty of an offense.

3. It shall be unlawful to remain 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 or by the owner or other person in lawful possession of the premises or by the agent, servant or employee of the owner. The provisions of this Subsection shall not apply to persons, including employees, whose presence on the premises is authorized by the owner or person in lawful possession of such premises, nor shall the provisions of this Subsection apply unless the hours of the business operation are posted upon such premise. It shall also be unlawful to return to the 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.

**Section 13-54. Unlawful Posting of Advertising Material.**

It shall be unlawful for any person to place, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, device or inscription upon any public or private building, fence, sidewalk, bridge, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

**Section 13-55. Damaging Utility Poles.**

1. It shall be unlawful for any person to damage, deface, mark, write, print, paint up, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, electric or power pole, either wood, concrete, steel or of any other substance, within the corporate limits of the Town of Mountain Park, Oklahoma. The word "pole" shall be construed to mean any pole supporting telephone, television, electric or power wires or braces, and any device used to support or brace such a pole.
2. This Section shall not apply to the owners of such poles who may make such necessary or authorized marks or signs thereon.

**Section 13-56. Unlawful Throwing or Shooting of Objects.**

It shall be unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where the person is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private,

except in the case where such is done in lawful defense of oneself, of another person or of property.

**Section 13-57.**      **Littering.**

1. For the purpose of this Section "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobile, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.
2. No person shall throw or deposit litter in or upon any open or vacant property within the Town of Mountain Park, Oklahoma, irrespective of the ownership of such property.
3. No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the Town of Mountain Park, Oklahoma, except in public receptacles, authorized private receptacles or in the Municipal Sanitary Landfill.
4. No person shall sweep into, or deposit in, any gutter, street or other public place within the Town, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway; persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
5. No person shall drive or move any truck or other vehicle within the Town of Mountain Park, Oklahoma, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto, or deposit in, any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, in excessive or damaging amounts.
6. No person shall throw or deposit any commercial or non-commercial handbill on or upon any sidewalk, street or other public place within the Town of Mountain Park, Oklahoma.
7. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.
8. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously vacant.
9. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested not to do so or if signs are posted bearing the words "no trespassing," "no peddlers or agents," "no advertisements," or similar notice indicating that the occupants do not desire to have their privacy disturbed.



10. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or persons present upon such private premises; in cases of inhabited private premises which are not posted, handbills must be distributed to prevent them from blowing on sidewalks or other public places.
11. The provisions of Subsection 10 (above) shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.
12. No person in an aircraft shall throw out, drop or deposit within the Town of Mountain Park, Oklahoma, any litter, handbill or any other object.

**Section 13-58.           Larceny from a Merchant.**

1. It shall be unlawful for any person or persons to remove any merchandise from a commercial business without paying for **the** merchandise and without the consent of the owners of **the** business.
2. Any police officer or licensed security guard may arrest, without warrant, any person if there is probable cause for believing **said the** person has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.
3. Any merchant, **or** an agent or employee **of the merchant**, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money for mercantile establishment, may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:
  - a. Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;
  - b. Informing the police or other law enforcement officials of the facts relevant to such detention;
  - c. Performing a reasonable search of the detained person and said person's belongings when it appears that the merchandise or money may otherwise be lost; and
  - d. Recovering the merchandise or money believed to have been taken wrongfully.
  - e. Any such detention **shall be reasonable and in compliance with applicable laws and if so done** shall not constitute an unlawful arrest or detention, nor shall

it render the merchant or an agent or employee of the merchant, criminally or civilly liable to the person so detained.

4. Any person concealing unpurchased merchandise of any mercantile establishment **may** be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this Section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person **may** be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable **and lawful**

**Sections 13-59 through 13-69.**

**(Reserved for future use.)**

**Article 6. Offenses Against Public Authority.**

**Section 13-70. Resisting Arrest; Obstructing.**

It shall be unlawful for any person **to** knowingly or willfully to resist, oppose or obstruct the Chief of Police, any Police Officer, the Municipal Judge or other Municipal officers or employees in the discharge of their official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officers or employees from the discharge of their official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officers or employees, while such officers or employees are in the discharge of their official duties.

**Section 13-71. Impersonating Municipal Officer or Employee.**

It shall be unlawful for any person to impersonate any Municipal Police Officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any Municipal officer or employee, without **first** being duly authorized to do so.

**Section 13-72. False Representation to Municipal Officials.**

It shall be unlawful for any person knowingly to make any material misrepresentation to any Municipal officer, employee or agency in any official application to, or official dealing or negotiation with, such officer or agency, or to commit perjury before any tribunal or office of the Town of Mountain Park, Oklahoma.

**Section 13-73. Escape of Prisoners.**

It shall be unlawful for any person confined in the Municipal Jail or other place of confinement, working upon the streets or other public places pursuant to any judgment, or otherwise held in legal custody by authority of the Town of Mountain Park, Oklahoma, to escape, or attempt to escape, from any such Municipal Jail, prison or custody.

**Section 13-74. Assisting Prisoners or Arrestees to Escape.**

1. It shall be unlawful for any person, to unlawfully to set at liberty, rescue, conceal or in any manner assist, aid or abet or attempt to set at liberty, rescue, conceal or in any manner assist, aid or abet any prisoner or arrestee from any police officer of the Town of Mountain Park, Oklahoma, having legal custody of such prisoner or arrestee, or from the Municipal Jail or other place of confinement, or to assist such prisoner or arrestee in any manner to escape from such prison, custody or confinement, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist in an escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.
2. It shall be unlawful for any person to communicate with, or attempt to communicate with, any prisoner confined in the Municipal Jail, without authority to do so from the Chief of Police or the Officer-in-Charge.

**Section 13-75. Removal of Barricades.**

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the Town of Mountain Park, Oklahoma, to keep traffic off any pavement, street, curb, sidewalk or other area.

**Section 13-76. Eluding a Police Officer.**

1. Flight from, eluding, or any attempt to take flight from or elude a police officer shall be unlawful and an offense.
2. A person commits the offense of flight or eluding from a Municipal Police Officer, if:
  - a. The person is the operator of a vehicle and refuses to stop the vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or
  - b. Upon stopping the vehicle at the signal of a law enforcement officer, abandons the vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or
  - c. The person is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or
  - d. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or
  - e. The person is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in the area for a reasonable length of time.

**Section 13-77. Interference With Fire Alarm Systems.**

No person shall cut or sever, or cause to be cut or severed, or interfere with in any manner, any wire of any fire alarm system in the Town of Mountain Park, Oklahoma; or remove or change the same; or cut, injure, change, alter or remove any pole, cross-arm, bracket or other support upon which said wires rest or in which said wires are enclosed; or disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the Chief of the Fire Department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the Chief of the Fire Department, keys to any alarm box or boxes; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box a handbill, notice or sign of any kind, except the signs places upon the same at the direction of the Chief of the Fire Department and pertaining to the firebox; or cause to be hitched any horse or animal to any pole on which is situated a fire alarm box.

**Section 13-78.**      **False Fire Alarm.**

No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the Fire Department or any officer or employee with reference to any fire alarm or reported fire, or knowingly shall cause the Fire Department or its officers or employees to make a useless run.

**Sections 13-79 through 13-99.**      **(Reserved for future use.)**

**Article 7.**      **Penalty.**

**Section 13-100.**      **Penalty.**

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day's continuation of any such violation shall be a separate offense.