

# OFFENSES—MISCELLANEOUS

## Chapter 13

### OFFENSES—MISCELLANEOUS<sup>1</sup>

- Art. I. In General, §§ 13-1–13-40  
Art. II. Obscene Materials, §§ 13-41–13-43

#### ARTICLE I. IN GENERAL

##### Sec. 13-1. “Offense” defined.

As used in this chapter, the word “offense” shall mean the doing of any act or thing which, by this chapter or any ordinance of the city is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this chapter or by any such ordinance is commanded or required to be done.

(Code 1977, § 15-1)

##### Sec. 13-1.5 Statute adopted; construction of chapter.

(a) Title 21 of the Oklahoma Statutes, as now or hereafter enacted, is hereby adopted and incorporated in the Code of Ordinances of the City of Pauls Valley, Oklahoma, as if set out at length herein.

(b) The adoption of Title 21 of the Oklahoma Statutes as provided for in subsection (a) hereof shall be in supplementation to and not in lieu of any other provisions of this Code. In the case of a conflict between Title 21 and this Code, the provisions of this Code shall apply.

(Ord. 883, § 5, 11-14-00.)

##### Sec. 13-2. Attempt to commit an offense.

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

(Code 1977, § 15-2)

*State law reference*—Punishment for attempts to commit crimes, 21 O.S. § 42.

##### Sec. 13-3. 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 and punishable in the same manner as the principal offender.

(Code 1977, § 15-3)

*State law references*—Aiding in a misdemeanor, 21 O.S. § 28; parties to crime, 21 O.S. §§ 171 *et seq.*

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<sup>1</sup> *Charter reference*—Power of city to preserve and enforce order and protect life, morals and property, § 1-3.  
*Cross references*—Municipal court, Ch. 11 indecent exhibition of animals, § 4-10; prohibited conduct in cemeteries, § 6-17; eluding police officer, § 10-9; fraudulent sales tax returns, § 17-27.  
*State law references*—Crimes and punishments, 21 O.S.; prevention of public offenses, 22 O.S. § 31 *et seq.*; general powers of municipalities, 11 O.S. § 22-101 *et seq.*; falsely assuming to be city officer, 21 O.S. § 263.

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### **Sec. 13-4. Refusing or failing to assist policeman.**

(a) Any policeman 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 Code of Ordinances of the city, or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon a person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

(b) No person lawfully called upon thus to assist any policeman of the city shall refuse or fail to do so.

(Code 1977, § 15-46)

**Cross reference**—Police department, § 2-38.

**State law references**—Refusing to aid in arrest during riot, 21 O.S. § 1318; authority of persons to assist officers in preventing offenses, 22 O.S. § 35; officer may command assistance in execution of process, 22 O.S. § 91; aid in arresting persons unlawfully assembled, 22 O.S. §§ 102, 103, 105; aiding officer executing warrant, 22 O.S. § 188.

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### **Sec. 13-5. Resisting arrest.**

It shall be unlawful for any person knowingly or willfully: to resist, oppose or obstruct any policeman, the municipal judge or any other officer or employee of the city in the discharge of his official duties; or, by threats or otherwise, to intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or to assault, beat, revile, abuse, be disrespectful to, or use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

(Code 1977, § 15-47)

**Cross reference**—Police department, § 2-38.

**State law references**—Delaying or obstructing public officer, 21 O.S. § 540; resistance to execution of process, 22 O.S. §§ 91 *et seq.*

### **Sec. 13-6. False representations to officers or employees.**

It shall be unlawful for any person knowingly to make any material misrepresentation to any officer, employee or agency of the municipal government in any official application to, or official dealing or negotiation with, such officer or agency.

(Code 1977, § 15-49)

**Cross references**—Administration, Ch. 2; personnel generally, §§ 2-56 *et seq.*

**State law reference**—False pretenses, fraud, etc., 21 O.S. §§ 1500 *et seq.*

### **Sec. 13-7. Escape of prisoners.**

It shall be unlawful for any person confined by the city in the city jail or other place of confinement, working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody.

(Code 1977, § 15-50)

**State law reference**—Escapes and aiding therein, 21 O.S. §§ 431 *et seq.*

### **Sec. 13-8. Assisting prisoners to escape.**

It shall be unlawful for any person, in any unlawful manner, to set at liberty or 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, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape.

(Code 1977, § 15-51)

### **Sec. 13-9. Disturbing lawful assemblies.**

It shall be unlawful for any person to disturb any lawful public gathering, including 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 assembly or within hearing distance thereof.

(Code 1977, § 15-24)

Supp. 2 (12-1-00)

**State law references**—Disturbing religious meeting, 21 O.S. §§ 915 *et seq.*; disturbing meetings generally, 21 O.S. § 1361.

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### Sec. 13-10. Disturbing the peace.

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

(Code 1977, § 15-25)

### Sec. 13-11. Assault and battery.

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

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

(c) It shall be unlawful to commit an assault or an assault and battery within the city.

(Code 1977, § 15-26)

*State law references*—Assault and battery, 21 O.S. §§ 641 *et seq.*; penalty for assault, or assault and battery, 21 O.S. § 644.

### Sec. 13-12. Carrying weapons.

It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any: pistol; revolver; 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 device in the handle of the knife; blackjack; loaded cane; billy; hand chain; metal knuckles; or any other offensive weapon, except as in this Code provided. Provided further, that this section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by state law.

(Code 1977, § 15-21)

*Cross reference*—Private investigators carrying firearms, § 9-54.

*State law reference*—Carrying weapons, 21 O.S. §§ 1272 *et seq.*

### Sec. 13-13. Discharging firearms, air rifles, etc.

It shall be unlawful for any person to discharge a firearm within the corporate limits of the city, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, or when otherwise authorized by law or ordinance, as in the case of authorized hunting or other related activities. It shall also be unlawful to discharge an air rifle or BB gun in the city.

(Code 1977, § 15-22)

*State law reference*—Discharging firearms in public place, 21 O.S. § 1364.

### Sec. 13-14. Fireworks and firearms at airport.

The firing or exploding of any fireworks or firearms upon the municipal airport property is prohibited.

(Code 1977, § 12-3)

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### **Sec. 13-15. Unlawful throwing or shooting of stones or other 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 he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private, except in the case where such is done in defense of oneself, of another person or of property.

(Code 1977, § 15-37)

### **Sec. 13-16. Gambling.**

No person or agent or employee thereof shall play any game of faro, monte, poker, roulette, craps, or any banking, percentage or other game played with dice, cards or any device, for money, checks, chips, credit or any other thing of value; or shall use 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 person playing; or shall gamble knowingly in any other manner.

(Code 1977, § 15-4)

**Cross reference**—Licenses and business regulations, Ch. 9.

**State law references**—Gambling, 21 O.S. §§ 941 *et seq.*; use of real estate or buildings for gambling purposes, 21 O.S. § 945.

### **Sec. 13.17. Petty larceny.**

(a) Petty larceny is the taking of personal property of value not to exceed fifty dollars (\$50.00), accomplished by fraud or stealth, and with intent to deprive another thereof when the property is not taken from the person of another.

(b) Petty larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

(Code 1977, § 15-31)

### **Sec. 13-18. Unlawful entry.**

It shall be unlawful 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, with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

(Code 1977, § 15-34)

**State law reference**—Trespass after being forbidden, 21 O.S. § 18.35.

### **Sec. 13-19. Unlawful intrusion upon land.**

Every person who intrudes or squats upon any lot or piece of land within the city without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the city, any hut, hovel, shanty or other structure whatever, is guilty of an offense. (Code 1977, § 15-35)

### **Sec. 13-20. Damaging or tampering with property.**

(a) Every person who maliciously injures, defaces or destroys any real or personal property not his own is guilty of a misdemeanor.

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(b) No person shall use any such property wrongfully to the detriment of the owner or other person entitled to its use, nor interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (Code 1977, § 15-33)

**State law reference**—Malicious injury or destruction of property, 21 O.S. § 1760.

### Sec. 13-21. Posting signs.

(a) For purposes of this Chapter:

*Decorations* means illustrations, symbols, flags, streamers, bunting, wreaths, figures, insignia, and other devices employed solely to express and illustrate a message of (a) civic, school or family pride, or (b) a patriotic holiday or seasonal character. Decorations shall not be considered signs unless another message (such as a political or commercial message or a message promoting attendance at an event or membership in a particular group) is expressed or illustrated.

*Sign* shall include any sign, poster, picture, announcement, advertisement, bill, placard, device, inscription or other such structure.

*Place* shall mean place, stick, tack, paste, post, paint, mark, write, print, or other similar act.

*Prohibited Area* shall mean any public or private building, fence, sidewalk, bridge, street, alley right-of-way, utility easement, telephone pole, telegraph pole, street-lighting pole, automobile, other vehicle or other property of another.

*Owner* means the owner of record of real property, as shown by the most current tax rolls of the county treasurer.

*A political advertising sign* is defined as any sign made or designed for the purpose of (1) furthering or opposing the candidacy or recall of any person who is, intends to become, or may be, a candidate in any election, (2) influencing the outcome of any election, (3) effecting the enactment, repeal or change of any law or other regulation, and/or (4) influencing the action of any government or school.

(b) It shall be unlawful for any person to place any sign in or upon any prohibited area without the expressed, written consent of the owner or person in charge thereof.

(c) Any person who places any such sign in violation of the provisions hereof shall be guilty of an offense. Any sign placed in violation of the provisions hereof is hereby deemed a public nuisance. No property right shall exist in such sign so placed in violation of the provisions hereof and such sign may be removed and destroyed by any person.

(d) Political advertising signs shall also be subject to the following restrictions and regulations:

(1) No political advertising sign made or designed for the purpose of furthering or opposing the candidacy or recall of any person who is, or who intends to become, or may be a candidate in any election, or of influencing the outcome of any election, shall be placed within the city limits earlier than the first day of the calendar month in which the candidate may file for election (or if the election does not involve a candidate, such sign shall not be placed earlier than three months before the election).

(2) No other political advertising sign may be displayed for more than 90 days.

(3) The person or organization placing any political advertising sign and the candidate or party on whose behalf any political advertising sign is placed within the corporate city limits of the city is responsible for the removal of any such sign. Such signs must be removed and properly disposed of within five (5) days after the final election to which such sign related. Each day such sign remains beyond this time period will constitute a separate and distinct offense punishable by the imposition of a fine of up to \$200.00 against the any person responsible for the removal of such sign.

(e) Signs relating to garage sales are subject to Section 12-13(g) of Article I, Chapter 12, of this Code.

(f) In the case of signs advertising or giving notice of an upcoming event or otherwise relating to an event, the passing of which will render the sign's message obsolete, the person, entity or group on whose behalf the sign is

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placed and all persons and organizations placing said signs shall be responsible for the removal of any such sign. Such signs must be removed and properly disposed of within five (5) days after the end of the event to which such sign relates.



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Each day such sign remains beyond this time period will constitute a separate and distinct offense punishable by the imposition of a fine of up to \$200.00 against any person, entity or group responsible for the removal of any such sign. However, nothing in this paragraph shall be construed to authorize the posting of any sign that is otherwise unlawful. (Code 1977, § 15-36; Ord. No. 842, § 1, 10-18-94; Ord. No. 880, § 5, 6-27-00; Ord. No. 903, § 17, 3-23-04)

**Cross reference**—Certain political advertising as nuisance, § 12-9 (Repealed 10-18-94).

### **Sec. 13-22. Littering.**

(a) For the purpose of this section, "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, 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.

(b) No person shall throw or deposit litter in or upon any open or vacant property within the city, irrespective of the ownership of such property.

(c) No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the city, except in public receptacles, in authorized private receptacles for collection, or in the municipal sanitary land fill. (Code 1977, § 15-38)

**Cross references**—Littering as nuisance, § 12-35; solid waste, §§ 18-166 *et seq.*

### **Sec. 13-23. Controlled substances—Narcotics.**

It shall be unlawful for any person under the influence of any narcotic to appear or be upon or in any street, alley, place of business or other public place within the city; or for any person to use any narcotic upon or in any street, alley, place of business or other public place within the city; or for any person to use or possess any narcotic in any place within the city, except as legally prescribed by a physician licensed to practice in the state; or for any person to loiter about a place where any narcotic is sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic.

(Code 1977, § 15-10; Ord. No. 772, § 1, 10-1-85)

**Cross reference**—Health, Ch. 8.

### **Sec. 13-24. Same—Marihuana.**

It shall be unlawful for any person to cultivate, distribute or possess any material, compound, mixture or preparation which contains marihuana, as defined by law.

(Ord. No. 729, § 1, 1-19-82)

**State law reference**—"Marihuana" defined, 63 O.S. § 2-101.

### **Sec. 13-25. Minors in public places at night.**

It shall be unlawful for any person under the age of eighteen (18) years to remain idle, wander, stroll, play, loaf or loiter in any public place, street or alley within the city, either on foot or in a vehicle, between the hours of 12:01 a.m. and 6:00 a.m., unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such person, or unless the person is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of such person, or where the presence of such person is connected with or required by some legitimate employment, trade, profession or occupation; it shall also be unlawful for any parent, guardian or other adult person having the care and custody of such a person to remain idle, loaf, loiter, etc., in a public place at such times as are specified hereinbefore, except for those reasons listed hereinbefore.

(Code 1977, § 15-5)

**State law reference**—Power of city to arrest, fine and imprison vagrants, 11 O.S. § 22-123.

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### Sec. 13-26. Peeping Tom.

It shall be unlawful for any person to hide or loiter in the vicinity of any private dwelling house, apartment or building, with intent to watch, gaze or look at occupants therein in a clandestine manner or, while so hiding or loitering, to watch, gaze or look at occupants therein in a clandestine manner.

(Code 1977, § 15-8)

*State law reference*—Loitering near residence, 21 O.S. § 1171.

### Sec. 13-27. Certain conduct prohibited on or near school grounds.

No person shall engage in any conduct, or commit any of the acts enumerated herein, around or on the grounds of any school in the city or in any street or alley adjacent to a school:

- (1) Loitering by any person not having lawful business in connection with the school or an employee thereof or student therein;
- (2) Any conduct that disturbs the orderly conduct of the school;
- (3) Annoying or molesting any student or employee of the school;
- (4) Lewd or wanton conduct; or
- (5) 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.

(Code 1977, § 15-6)

*State law reference*—Refusal to leave school buildings or grounds, 70 O.S. § 24-131.

### Sec. 13-28. Abandoned ice boxes and refrigerators.

It shall be unlawful for any person to leave, in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

(Code 1977, § 10-34)

*State law reference*—Abandonment of refrigerators, etc., 21 O.S. § 1208.

### Secs. 13-29–13-40. Reserved.

## ARTICLE II. OBSCENE MATERIALS<sup>2</sup>

### Sec. 13-41. 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:

*Indecent*: Morally offensive or depraving.

*Material*: Any photograph, book, magazine, pamphlet, story, comic book, paper, writing, card, advertisement, circular, print, picture, motion picture film, play, act, image, cast, slide, figure, instrument, statue, drawing or other like article.

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<sup>2</sup>*State law references*—Power of city to suppress public indecencies, etc., 11 O.S. § 22-109 *et seq.*; obscene material, 21 O.S. § 1040.8 *et seq.*

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*Obscene:* Material, that to the average person, applying contemporary community standards, the dominant theme of which, taken as a whole appeals to prurient interest.

*Person:* Any individual, partnership, firm, association, corporation or other legal entity.

*Public place:*

- (1) A place to which the general public has a right to resort, not necessarily a place devoted solely to the uses of the public, but a place which is, in point of fact, public, rather than private; a place visited by many persons and usually accessible to the neighboring public, even if only upon the payment of a fee;
- (2) Any place so situated that what passes through can be seen by any considerable number of persons if they happen to look;
- (3) A place in which the public has an interest as affecting the safety, health, morals and welfare of the community;
- (4) A place exposed to the public and where the public gathers or passes; or
- (5) Any store, restaurant, movie theater, service station, or the like, which is open to the public for sale of goods and/or services or other products, even though privately owned and/or controlled.

(Ord. No. 683, §§ 2, 4, 6, 12-6-77)

### **Sec. 13-42. Prohibited.**

No person shall knowingly and willfully sell, offer for sale or exhibit for hire, or participate in selling, offering for sale or exhibiting for hire, any obscene or indecent material in a public place.

(Code 1977, § 15-8; Ord. No. 683, § 1, 12-6-77)

### **Sec. 13-43. Presumptions.**

Proof of possession shall create a presumption of the knowledge of the contents of material, which can be overcome only by clear and convincing evidence to the contrary.

(Ord. No. 683, § 5, 12-6-77)

