

YALE CITY CODE

Chapter 17

OFFENSES

Article 1. Offenses. General

Sec. 17-1 Offenses. Penalty.

Except in cases where a different punishment is now or may hereafter be prescribed by ordinance, any person who commits an offense shall, upon conviction, be fined in any sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each day upon which a violation continues shall constitute a separate offense.

Sec. 17-2. Attempted offenses.

A person is guilty of an attempt to commit an offense against the ordinances of the City of Yale if acting with the kind of culpability otherwise required for the commission of the offense, he shall purposely engage in conduct which would constitute the crime if the intended circumstances were as he believes them to be; or, when causing a particular result in an element of the crime, he does anything with the purpose of causing, or with the belief that will cause such result without further conduct on his part.

Sec. 17-3. Aiding in an offense.

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

Article 2. Offenses Against Decency, Morality and Public Places

Sec. 17-4. Peeping Tom.

It is unlawful for any person to hide, wait, or otherwise loiter in the vicinity of any private dwelling house, apartment building or any other place of residence with the unlawful and willful intent to watch, gaze or look at the occupants there in a clandestine manner within the limits of the City of Yale.

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Sec. 17-5. Loitering and sleeping on the streets, public buildings, etc.

(a) It is unlawful for any person without lawful reason, between the hours of 1:00 o'clock a.m. and sunrise, to loiter or wander aimlessly within the city on the streets, in other public places, or on property of another; or during such time to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

(b) It is unlawful for a person to loiter in or about any public building or in or about a depot of a public carrier.

Sec. 17-6. Nudity, improper dress, indecent exposure prohibited.

(a) It is unlawful for any person to willfully expose his or her person, or private parts thereof, in a lewd manner in any public place, or in any place where there are present other persons to be offended or annoyed thereby.

(b) It is unlawful for any person to willfully procure, counsel, or assist any person to lewdly expose himself or herself, or to make any other exhibition of himself or herself, or private parts thereof, to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts.

Sec. 17-7. Drug paraphernalia, possession of Marijuana.

(a) No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pace, re-pack, store, contain, conceal inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act of the Oklahoma State Statutes except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

(b) No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pace, re-pack, store, contain, conceal inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act of the Oklahoma State Statutes.

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(c) No person shall knowingly or intentionally possess marijuana unless said marijuana was obtained directly from, or pursuant to, a valid prescription or order from a licensed physician, while acting in the course of his professional practice pursuant to the provisions of Title 63, Section 2-101 of the Oklahoma Statutes.

Sec. 17-8. Transportation of alcoholic beverages.

It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley, within the City of Yale an alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap, cork or lid shall not have been removed, unless the open container is located in the rear trunk or rear compartment of such vehicle, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment that is not accessible to the driver or any passenger in said vehicle while such vehicle is in motion. Provided further, that the provisions of this section shall be interpreted, defined, and constructed in accordance with the provisions of Title 37, Section 635 (a) of the Oklahoma Statutes or any Statute that might replace such Section 635 (a).

Sec. 17-9. Loitering where intoxicating liquor is sold prohibited.

It is unlawful for any person to loiter in any place where intoxicating liquor is bartered, sold, given away, or otherwise furnished.

Sec. 17-10. Under age persons prohibited from being in a place where alcoholic beverages are sold.

(a) It is unlawful for any proprietor, operator or manager of a place where alcoholic beverages are sold or used for consumption on the premises or any employee or agent of such proprietor, operator or manager to permit a person under the age of Twenty One (21) years of age to loiter, be in or located in or about such place of business.

(b) If the premises of a holder of a license to sell alcoholic beverages contains a separate or enclosed bar area which has its main purpose the sale or serving of alcoholic beverages for consumption on the premises, no person under twenty-one (21) shall enter, attempt to enter, or remain in said area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of alcoholic beverages, in which sales or serving of

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said alcoholic beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume alcoholic beverages anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under the age of twenty-one (21) years of age from being prohibited from such bar area.

Sec. 17-11. Maintaining a place where intoxicating liquor is sold contrary to law.

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

Sec. 17-12. Drunkenness and drinking in a public place.

(a) It is unlawful for any person drunk, or in a state of intoxication, to appear or be upon or in any street, alley, place of business, or other public place within the City of Yale.

(b) It shall be unlawful for any person to drink alcoholic beverages while in or upon any street, alley or other public place in the City of Yale, except that such beverages may be consumed or possessed by persons twenty one (21) years of age or older within the boundaries of any area licensed by the ABLE Commission.

(c) It shall be unlawful for any person under the age of twenty-one (21) years of age to have in his possession or control any alcoholic beverage within the City of Yale.

Article 3. Offenses Against Peace

Sec. 17-13. Carrying certain weapons prohibited.

(a) It is unlawful for any person to carry upon or about his person any firearm without proper State license.

(b) It is unlawful for any person to carry upon or about his person any firearm in or on premises where the carrying of such firearm is specifically prohibited.

Sec. 17-14. Exhibiting firearms and dangerous weapons.

It is unlawful for any person in the presence of one or more other persons to exhibit any kind of firearms, bowie knife, dirk, dagger, sling shot, or any other dangerous weapon, in a rude, careless, dangerous, or angry and threatening manner within the City of Yale.

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Sec. 17-15. Discharging firearms, air rifles and guns.

It is unlawful for any person to discharge a firearm in the city except when doing so in line of official duty, when lawfully doing so in defense of oneself, or another person, or of property, when doing so in a properly supervised rifle range or shooting match, or when otherwise authorized by law or ordinance. It is unlawful to discharge an air rifle or BB gun in the City of Yale, Oklahoma.

Sec. 17-16. Unlawful assembly prohibited.

It shall be unlawful and shall constitute an unlawful assembly within the City of Yale for a person to assemble or act in concert with three (3) or more persons for the purpose of engaging in conduct which would constitute the crime of riot, or to remain at the scene of a riot after being instructed to disperse by law enforcement authorities. For the purposes of this section, "riots" mean that crime defined under Title 21, O. S. § 1311.

Sec. 17-17. Disturbance by loud or unusual noise prohibited.

It shall be unlawful within the corporate limits of the City for any person to willfully or maliciously disturb, either by night or day, the peace and quiet of the City, or any neighborhood, family or person by loud or unusual noise or music, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, fighting or shooting off firearms, or brandishing firearms.

Sec. 17-18. Use of archery equipment.

The use of archery equipment is forbidden within the city limits of Yale, except as follows:

(a) For hunting so long as no violation of Section 17-37 of the Yale Municipal Code occurs.

(b) For target practice, so long as no violation of Section 17-37 of the Yale Municipal Code occurs and under the following restrictions:

- (1) Arrows must be discharged toward a target backed by an impenetrable, vertical backstop at least eight (8) feet wide and six (6) feet tall directly behind the target butt. Suitable backstops are limited to the outside wall of a shooter's residence or garage.

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- (2) Archery equipment must be used within a confined space. If the area is not fenced, the target area and sidelanes must be conspicuously surrounded with rope or brightly colored tape placed three (3) feet above the ground and placed in such a way as to exclude persons from walking into the path of the arrow.
- (3) No arrow may have a tip other than a target point. Use of broadheads or other heads with cutting blades for target practice is prohibited.
- (4) No child under the age of fourteen (14) years may engage in target practice unless supervised by an adult.

(c) For instruction, training, target practice and exhibition shooting in nonresidential areas only, under the supervision and sponsorship of a school, business, recreational association, trade association, governmental agency or archery association. In such instances, sections (2) and (4) of subsection (b) shall apply. In addition, a backstop made of at least three-fourths-inch exterior grade plywood eight (8) feet square must be erected twelve (12) to eighteen (18) inches behind the target butt.

Sec. 17-19. Disturbing religious worship.

It is unlawful for any person to disturb any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent, or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof.

Sec. 17-20. Obscene, threatening, harassing telephone calls prohibited.

It shall be unlawful within the corporate limits of the City for any person, by means of a telephone to willfully commit any of the following acts:

- (1) Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;
- (2) Make a telephone call, whether or not conversation ensues without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the number called;
- (3) Knowingly permit any telephone under his control to be used for any purpose prohibited by this article.

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- (4) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number(s). To further provide that the use of a telephone facility under and by virtue of the terms of this section shall include all use made of such facility between the points of origin and reception. Any offense under this section shall be deemed a continuing offense and shall further be deemed to have been committed at either place or origin or the place of reception.

Sec. 17-21. Disturbing Public Assembly, Display of Insulting Signs Prohibited.

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

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

Sec. 17-22. Electrified barbed wire fences.

It shall be unlawful for any person to build, construct, use or maintain any electric fence or barrier consisting or made of what is called "barbed wire" or of which "barbed wire" is a part, within the city limits along the line of, or upon or along any street, alley, public walk or drive, or through, along or around any public park, or in or along any land or lots or parks owned or controlled by the City of Yale.

Sec. 17-23. False or altered driver's license.

(a) It shall be unlawful for any person to display or cause or permit to be displayed his operator's or chauffeur's license after such license has been suspended, revoked or cancelled or to possess his license after having received notice of its suspension, revocation or cancellation.

(b) It shall be unlawful for any person to display or cause or permit to be displayed or to possess an operator's or chauffeur's license issued to him which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license number.

(c) It shall be unlawful for any person to lend or give his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another.

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(d) It shall be unlawful for any person to display or represent as one's own any operator's or chauffeur's license not issued to him, for any purpose other than committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties.

Sec. 17-24. Misrepresentation of age by false document.

(a) It shall be unlawful for any person, for the purpose of violating any ordinance of the City of Yale to willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age.

Sec. 17-25. Begging prohibited.

It shall be unlawful for any person to wander about for purposes of begging, or for any person without benefit of an invitation to go about from door to door or private homes or commercial and business establishments or enter upon any public way or public place for the purposes of begging and receiving alms for himself. Nothing contained herein shall pertain to charitable, tax-exempt organizations.

Sec. 17-26. Noises prohibited generally.

(a) *Prohibited acts generally.* It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City of Yale.

(b) *Prohibited acts specifically.* The following acts, among others, are declared to be unreasonable or disturbing noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

- (1) *Public loudspeakers.* Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons wherein the sound emanating from such device is plainly audible inside a neighboring residential occupancy when the doors and windows are closed.

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- (2) *Yelling, shouting, etc.* Yelling, shouting, whistling or otherwise creating unreasonable noise particularly between the hours of 10:00 p.m. and 6:00 a.m., or at any time or place so as to disturb the quiet, comfort, or repose of persons in any neighboring residential occupancy when the doors and windows are closed.
- (3) *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City of Yale.
- (4) *Schools, courts, churches, hospitals, parks.* The creation of any unreasonable noise adjacent to any school, church or court while the same are in use, or adjacent to any hospital, medical clinic, or nursing home which unreasonably interferes with the workings of such institution, or which disturbs patients in the hospital, or in any park, which unreasonably disturbs the users thereof.
- (5) *Power lawn mowers.* The operation of any gasoline or similar internal combustion engine powered mower, cultivator, blower, weedcutter or like or related device in a residential area between the hours of 10:00 p.m. and 6:00 a.m.

(c) *Exceptions.* The following uses and activities shall be exempt from these regulations:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency.
- (3) Noises resulting from emergency work.
- (4) Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefore has been granted by the city in accordance with this section.

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- (5) Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- (6) School sponsored activities conducted on school property.
- (7) Church related activities conducted on church property.
- (8) City sponsored or permitted parades and events.

(d) *Definitions, scope.* For the purposes of this section, "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. A "residential area" includes single-family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms.

(e) *Application for special permit.* Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the City Manager or duly authorized representative. Any permit granted by the City Manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Manager or duly authorized representative may grant a relief as applied for if they find:

- (1) That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter; or
- (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and
- (3) That no other reasonable alternative is available to the applicant.

The City Manager, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood. Any denial of an application under this section shall be appealable to the Board of Commissioners upon written application filed within ten (10) days of the date notice of the City Manager's decision is mailed to the applicant.

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Article 4. Offenses Against Persons

Sec. 17-27. Assault and battery: Defined, prohibited.

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

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

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

(d) Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00).

For every conviction of domestic abuse, the court shall:

- (1) Specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in this subsection:
- (2) The court shall require the defendant to participate in counseling and undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse counseling program approved by the court or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.

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A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

- (3) The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements.

The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

- (4) At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject

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- the defendant to any or all remaining portions of the original sentence;
- (5) At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings.
 - (6) The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.
 - (7) In the course of prosecuting any charge of domestic abuse, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

Article 5: Offenses Against Property.

Sec. 17-28. Petit larceny: Defined, prohibited.

(a) Petit larceny is the taking of personal property of value of not to exceed Five Hundred Dollars (\$500.00), accomplished by fraud or stealth and with intent to deprive another thereof.

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

Sec. 17-29. Prohibiting the aiding and counseling of the crime of petit larceny.

Any person who willfully by any means whatever, either directly or indirectly, aids or counsels another person in committing the crime of petit larceny, as defined by Section 17-28 of the Yale City Code, shall be guilty of the misdemeanor of aiding the crime of petit larceny.

Sec. 17-30. Larceny or destruction of books prohibited.

Any person having the custody of any book, map, magazine, document, record, or of any paper which item is the possession of the Yale Public Library and who either steals, willfully destroys, mutilates, defaces, alters, falsifies, unlawfully removes or secretes such book, map,

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magazine, document, record, or other paper, or who permits any other person to do, is guilty of a misdemeanor in violation of this section.

Sec. 17-31. Operation of machines by spurious coins prohibited.

(a) Whoever by means of any spurious coin or by any other means, method, trick, or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any coin-operated machine operated in furtherance of or in connection with the sale, use or enjoyment of any service, facility or privilege, knowingly shall operate a machine or whoever shall take, obtain, accept or receive from or by means of any such coin-operated machine, any article of value or service for the use or enjoyment of any service, facility or privilege by use of any spurious coin shall be guilty of a misdemeanor in violation of this section.

(b) For purposes of this section the term "spurious coin" and "coin-operated machine" shall be defined consistent with the provisions of Title 21, Section 1848 of the Oklahoma Statutes.

Sec. 17-32. Cutting down, injuring, removing or destroying trees; exceptions.

(a) *Prohibited.* Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove or destroy any live shrubs, tree or trees whether planted, self-seeded or growing for ornament, shelter, shade or profit in any forest, woods, woodland, avenue, yard, garden, orchard or plantation, or along any right-of-way or in or on any publicly-owned property, located within the corporate limits of the city, or remove or destroy any logs, which shrubs, trees or logs are valued at two hundred dollars (\$200.00) or less, without permission of the owner or his representative, shall be guilty, upon conviction, of an offense in violation of this section.

(b) *Exceptions.*

- (1) The necessary trimming and removal of said trees or logs to permit the construction, repair, maintenance, cleanup and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, the city, and to aid registered land surveyors and professional engineers in the performance of their professional services, and pipeline companies, or lawful operators and product purchasers of oil and gas shall

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not be deemed a willful and intentional cutting down, injuring, removing or destroying of said trees or logs.

- (2) The necessary trimming and removal of trees or logs for the construction, maintenance and repair of streets, roads and highways or for the control and regulation of traffic thereon by the state and the city or registered land surveyors and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of said trees or logs.
- (3) The removal or trimming of street trees as defined in the Yale Municipal Code by the owner of property adjacent to the street right-of-way in which the street tree is located shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of said tree.

Sec. 17-33. Concealing Personal Property Prohibited.

Any person who willfully conceals personal property of a value not to exceed fifty dollars (\$50.00) upon his person, or knowingly permits the same to be done with the intent to deprive the owner permanently of the possession, use or benefit of his property shall be guilty of a misdemeanor in violation of this section.

Sec. 17-34. Molesting motor vehicles prohibited.

It shall be unlawful within the corporate limits of the City for any person or persons to deface or injure such automobile or motor vehicle, or to molest, drive, or attempt to drive any automobile for joy-riding or any other purpose, or to manipulate or meddle with any machinery or appliances thereof without the consent from the owner of such automobile or motor vehicle.

Sec. 17-35. Destroying injuring or molesting buildings and other property.

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

Sec. 17-36. Placing signs, etc., on property of another.

- (a) It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write, or

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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, billboard, or other property of another, without the consent of the owner or person in charge thereof.

(b) It is unlawful for any person to place, stick, tack, paste or post any sign, poster, advertisement, bill or placard so that said material interferes with the line of sight of any vehicle proceeding upon any public street, alley or thoroughfare.

Sec. 17-37. Throwing or shooting at person or property.

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

Sec. 17-38. Tampering with, damaging, or larceny of public utilities.

(a) It is unlawful for any person to connect or attach any kind of pipe, wire, or other conductor carrying gas, water, or electricity and belonging to a public utility (whether public or privately owned), in such a manner as to enable him to consume or use the gas, water, or electricity without its passing through the meter or in any other way so as to evade payment therefore. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including telegraph and telephone systems.

(b) It is unlawful for any person, firm, or corporation to damage, molest, tamper with, or destroy, injure, or alter any distribution structure, transmission structure, line, equipment, facility, wire, meter, or other part of any community antenna television system located within the corporate limits of the City of Yale.

(c) Any person, firm or corporation who with intent to defraud, makes or causes to be made any instrument or contrivance and connects the same or causes the same to be connected with any line, wire, meter, distribution structure, transmission community antenna television system signals, so as to conduct such community antenna television system signal to a point where the same may be consumed in any manner so as to evade payment therefore, is guilty of the crime of larceny of a community antenna television system signal in violation of this section.

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(d) No person, except an authorized employee of the City shall be permitted to remove, tamper with, or work on any sewer manhole cover, nor shall any person damage, molest tamper with, or destroy, injure or alter any structure, appurtenance, or equipment which is a part of the City's sanitary sewer system.

Sec. 17-39. Trespass upon land forbidden.

It shall be unlawful within the corporate limits of the City for anyone whatsoever to willfully or maliciously enter the property of another, after having been expressly forbidden to do so by the owner or occupant thereof. It is further provided that anyone who willfully or maliciously enters said property and therein commits or attempts to commit waste, theft, damage, or any other crime shall be deemed guilty of trespassing on property in violation of the provisions of this section.

Article 6. Offenses Against Public Authority

Sec. 17-40. Refusing to aid officer, Resisting Officer.

(a) Every person who after having been lawfully commanded to aid any officer in arresting any person or in taking any person who has escaped from legal custody, or in executing any legal process willfully neglects or refuses to aid such officer, is guilty of a misdemeanor.

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

Sec. 17-41. Laser Pointers.

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal.

Sec. 17-42. Failure of Defendant to Appear Prohibited.

It is unlawful for any person who has been charged and is the defendant in any proceeding or matter before the Yale Municipal Court to fail to appear for the proceeding when

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his personal attendance is necessary. It is further provided, that the intent of this Section is to make it a separate offense for any defendant either willfully or otherwise to fail to appear before the Yale Municipal Court at the appointed time and place.

Sec. 17-43. Impersonating an Officer Prohibited.

(a) No person, other than official police officers of the City, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colored imitation of that adopted and worn or carried by the official police officers of the City of Yale, Oklahoma.

(b) No person, other than official police officers, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of any other police department or any fictitious police department.

Sec. 17-44. False Fire Alarms.

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

Sec. 17-45. False Representation.

(a) It shall be unlawful within the city limits for any person, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the town government in any official application to, document of, or official dealing or association with such officer or agency.

(b) It shall be unlawful for any person, agent or employee thereof to make, or file with, the Police Department of the City, any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the town.

Sec. 17-46. Removal of Barricades, etc.

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

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(b) It is unlawful for any person, except by proper authority, to be in possession of any barricade or traffic control device belonging to the City of Yale, Oklahoma, or to any lawful governmental entity.

Sec. 17-47. False reports of crime.

It shall be unlawful for any person, agent, or employee thereof, to make, or file with, the Police Department, any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the City of Yale.

Sec. 17-48. Certain acts against police dog prohibited.

(a) No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog owned, or the service of which is employed, by a law enforcement agency of the state or political subdivision of the state.

(b) No person shall willfully interfere with the lawful performance of any police dog.

Sec. 17-49. Hampering or interfering with city officers or employees.

No person shall knowingly:

(a) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, emergency medical services provider, code enforcement official, or other authorized person engaged in his duties at the scene of a fire, accident, disaster, riot, crime, disturbance, emergency of any kind, or any other place where the official is discharging official duties.

(b) Fail to obey the lawful order of any law enforcement officer engaged in his duties at the scene of or in connection with a fire, accident, disaster, riot or emergency of any kind.

Article 7. Defrauding Hotels and Motels.

Sec. 17-50. Unlawful to Defraud Hotels and Motels.

It is unlawful for any person to obtain food, lodging, services or other accommodations at any hotel, motel, inn or restaurant, with intent to defraud the owner or keeper thereof.

Sec. 17-51. Proof.

Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that such person gave a check on which payment was refused, or that such person left the hotel, motel, inn or restaurant without payment or offering to pay for such food, lodging services or other

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accommodations, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in Section 17-57 hereof; but this Section shall not apply where there has been an agreement in writing for delay in payment.

Article 8. Penalty

Sec. 17-52. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.

Article 9. Curfew for Minors.

Sec. 17-53. Definitions.

For the purposes of this Article the following terms, phrases, words and their derivations shall have the meaning given herein.

- (a) "City" means the City of Yale, Payne County, Oklahoma.
- (b) "Minor" means any person under the age of eighteen (18) years.
- (c) "In need of Supervision" shall have that meaning as is contained in Title 10 A of the Oklahoma Statutes.
- (d) "Parent" means any person having legal custody of a minor (i) as a natural or adoptive parent; (ii) as a legal guardian; (iii) as a person who stands in loco parentis; or (iv) a person to whom custody has been given by order of a Court.
- (e) "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, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area oldie above.
- (f) "Remain" means to stay behind. Loiter, to tarry and to stay unnecessarily upon any of the above defined locations.

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Sec. 17-54. Curfew for Minors.

(a) It shall be unlawful for any minor under the age of sixteen (16) years of age to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in , about or upon any place in the City of Yale between the hours of 10:00 p.m. and 6:00 a.m., unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless 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 where the presence of such minor is connected with or required by some legitimate employment.

(b) It shall be unlawful for any minor between the ages of sixteen (16) and eighteen (18) year of ago to remain, idle, wander, stroll or play in any public place wither on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City of Yale between the hours of 12:00 midnight and 6:00 a.m., unless accompanied by a parent, guardian, custodian, or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his or her parent, guardian, or adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment.

Sec. 17-55. Responsibility of owners of public places.

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 18 during the hours referred to in Section 17-54 of this Chapter.

Sec 17-56. Parental Responsibility.

(a) Any parent, guardian, custodian or other person having charge or custody of a minor person who knowingly and willfully causes, aids, abets or encourages any minor to be in need of supervision or who by any act or omission to act has caused, encouraged or contributed to the need of supervision of a minor or to such minor becoming in need of supervision shall be guilty of a violation of this section.

(b) It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of eighteen (18) to suffer permit or by inefficient control to

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allow such minor to be on the street, sidewalks or other public place as defined in Section 17-53 hereof within the City of Yale during the hours referred to in Section 17-54 above.

Sec. 17-57. Special Functions.

Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than called for in Section 17-63 shall be exempt from the provisions of Section 17-55 of this Chapter.

Sec. 17-58. Exceptions.

In the following exceptional cases, a minor on a city street during the nocturnal hours for which Section 17-55 is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance.

- (a) When accompanied by a parent of such minor.
- (b) When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- (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, and where and in what manner said 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 has in said minor's possession a written communication signed by the minor, countersigned 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 point of origin and destination.
- (e) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- (f) When returning home, by a direct route from, and within thirty (30) minutes of the termination of, a school activity, or an activity of a religious or voluntary association,

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provided the minor has a written communication in the minor's possession, countersigned by the parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner said minor will be on the streets at night.

(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. This clearly exempts bona fide interstate movement through the City of Yale, particularly on normal routes.

Sec. 17-59. Procedures.

(a) Any police officer upon finding a minor in violation of Section 17-54 of this Chapter shall ascertain the name and address of such minor and warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the Chief of Police of the Police Department who in turn shall notify the parents, guardian, or person having custody or control of such minor.

(b) If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to juvenile authorities.

Sec. 17-60. Penalties.

Any minor violating the provisions of this ordinance shall be dealt with in accordance with the Juvenile Court law and procedure. Any parent, guardian, or other adult person having the care and custody of a minor, who after the warning notice given pursuant to Section 17-59 of this Chapter has a second or further violation by a minor, such parent violates this Chapter,

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which violation shall be treated as an offense by the parent. The penalty shall be a fine of Five Hundred Dollars (\$500.00) excluding costs.

Article 10. Tobacco to Minors

Sec. 17-61. Definitions.

(a) "Cigarette" means roll your own, i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of roll your own tobacco shall constitute one individual cigarette.

(b) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

(c) "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.

(d) "Sample" means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

(e) "Sampling" means the distribution of samples to members of the public in a public place.

(f) "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 governmental issued photo identification.

(g) "Transaction scan device" means any commercial device or combination of devices used at a point of sale or entity 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.

(h) "Tobacco product" means any product that contains tobacco and is intended for human consumption.

(i) "Vapor product" shall mean noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other

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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 be 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. (Ord. No. 394)

Sec. 17-62. Tobacco sales to Minors.

(a) It is unlawful for any person within the City of Yale to sell, give or furnish in any manner any tobacco, tobacco product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco, 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, tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

(b) A person engaged in the sale or distribution of tobacco, 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 under twenty-one (21) years of age. If an individual engaged in the sale or distribution of tobacco, 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 section.

(c) Any person, firm or corporation who violates any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be assessed a fine of One Hundred Dollars (\$100.00) for the first offense, Two Hundred Dollars (\$200.00) for the second offense within a two-year period, and Three Hundred Dollars (\$300.00) for a third offense or subsequent offense within a two-year period following the first offense. Not more than Three Hundred Dollars (\$300.00) for a fourth or subsequent offense within a two-year period following the first offense.

(d) Any conviction for a violation of this ordinance and any compliance checks by any police officer of the City of Yale shall be reported in writing to the ABLE Commission of the State of Oklahoma within thirty (30) days of such conviction or compliance check.

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(e) Proof that the Defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action filed under this ordinance. A person cited for violating this ordinance shall be deemed to have reasonably relied upon proof of age, and such person shall be found not guilty of the offense if such person proves that:

(1) The individual who purchased or received the tobacco, 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;

(2) The person cited for violation of this ordinance 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.

(f) Provided, that his defense shall not relieve from liability any person cited for a violation of this ordinance 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.

(g) If the sale is made by an employee of the owner of any store or establishment at which tobacco, tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine imposed for such sale.

(h) Upon failure to pay such fine within ninety (90) days of assessment by the Municipal Court, then and in that event the Municipal Court Clerk shall notify the State of Oklahoma Department of Public Safety of such failure to pay such fine or assessment and request suspension or non-issuance of a driver's license until payment shall be made. (ORD. NO. 410)

Sec. 17-63. Minors not to possess tobacco, tobacco products, nicotine products or vapor products.

(a) It is unlawful for a person who is under twenty-one (21) years of age within the City of Yale to purchase, receive, or have in his or her possession tobacco, tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco, tobacco

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product, nicotine product or vapor product. It shall not be unlawful for any employee under twenty-one (21) years of age to handle tobacco, tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

(b) Any minor being in possession of cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or other form of tobacco, tobacco product, nicotine product, or vapor products and being by any police officer or teacher in any school, asked where from such cigarettes, cigarette papers, cigars, snuff, chewing tobacco or other form of tobacco product, nicotine product or vapor products were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and shall be punished pursuant to the provisions of Title 21, Section 1242 of the Oklahoma Statutes.

(c) Any firm or corporation who violates any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be assessed a fine of Fifty Dollars (\$50.00) for a first offense within a one year period, and shall be assessed a fine of One Hundred Dollars (\$100.00) for a second or subsequent offense within a one year period. Upon failure to pay such fine within ninety (90) days of assessment by the Municipal Court, then and in that event the Municipal Court Clerk shall notify the State of Oklahoma Department of Public Safety of such failure to pay such fine or assessment and request suspension or non-issuance of a driver's license until payment shall be made.

(d) Any person who violates this section shall complete the tobacco use cessation program ordered by the Court, a fine may be imposed that shall not exceed Fifty Dollars (\$50.00) for a first offense or One Hundred Dollars (\$100.00) for subsequent offenses. The violator may also be required to complete a community service program or other appropriate programs or services as ordered by the Court. The Court shall have jurisdiction over the violator for twelve (12) months following sentencing to ensure all programs and orders of the Court are followed.

Sec. 17-64. Distribution of tobacco, tobacco products, nicotine products or vapor products.

(a) It shall be unlawful for any person within the City of Yale to distribute tobacco, tobacco product samples, nicotine product samples or vapor product samples to any person under twenty-one (21) years of age.

(b) No person shall distribute tobacco, tobacco product samples, nicotine product samples or vapor product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground or school, or other facility when the facility is being used

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primarily by persons under twenty-one (21) years of age.

(c) Any person, firm or corporation who violates any provisions of this Section shall be guilty of a misdemeanor and upon conviction be assessed a fine of One Hundred Dollars (\$100.00) for a first offense, a fine of Two Hundred Dollars (\$200.00) for a second offense, and Three Hundred Dollars (\$300.00) for a third offense or subsequent offense.

(d) Upon failure to pay such fine within ninety (90) days of assessment by the Municipal Court, then and in that event the Municipal Court Clerk shall notify the State of Oklahoma Department of Public Safety regarding said failure to pay such fine or assessment and request suspension or non-issuance of a driver's license until such payment shall be made. (ORD. NO. 410)

Sec. 17-65. Sale of cigarettes.

(a) It shall be unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

(b) Any person, firm or corporation who violates any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.

Sec. 17-65.1 Public access, Report of violations.

(a) It shall be unlawful for any person or retail store to display or offer for sale tobacco products, including loosies, or vapor products in any manner that allows public access to the tobacco product or vapor products without assistance from the person displaying the tobacco product or vapor products or an employee or the owner of such retail store. The provisions hereof shall not apply to retail stores which do not admit into such retail store persons under twenty-one (21) years of age.

(b) Any person, firm or corporation who is convicted for a violation of this section shall be fined not more than Two Hundred Dollars (\$200.00), which amount shall include any fine, fees or costs.

(c) Any conviction for a violation of the provisions of Article 10 of the Yale City Code and any compliance checks conducted by the Yale Police Department shall be reported to the ABLE Commission of the State of Oklahoma within thirty (30) days of such conviction or compliance check. (Ord. No. 394)

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Article 11. Truancy

Sec. 17-66. Truancy prohibited.

(a) It shall be unlawful for a parent, guardian, or other person having custody of a child 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 child to attend and comply with the rules of some public, private or other school.

(b) It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, 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 the schools of the district are in session. Provided, that this section shall not apply:

- (1) If any such child is prevented from attending school by reason of mental or physical disability, to be 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 child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
- (3) If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
 - (a) The school administrator of the school district where the child attends school; and
 - (b) The parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or

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custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years.

- (4) Any offense committed in violation of this section shall be a misdemeanor and upon conviction shall be punished by a fine not greater than Five Hundred Dollars (\$500.00) and costs.

Article 12. Smoking

Sec. 17-67. Use of lighted tobacco in public prohibited, definitions.

(a) The possession of lighted tobacco in any form is determined to be a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or an indoor workplace, except where specifically allowed by law.

(b) The term "indoor workplace" shall mean any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part time or full time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, or any other spaces used or visited by employees, 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 similar structure. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed at that time.

(c) The restrictions provided in this Section shall not apply to the following:

- (1) Stand-alone bars or stand-alone taverns and cigar bars as defined by the provisions of Title 63, Section 1-1522 of the Oklahoma Statutes.
- (2) The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games.

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(3) Up to Twenty-five percent of the guest rooms at a hotel or other lodging establishment.

(4) Retail tobacco stores which are predominantly engaged in the sale 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. For purposes of this Section "incidental public access" shall mean 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 (1) or more smokers, if the workplace has only incidental public access.

(7) Private offices occupied exclusively by one (1) 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) Any outdoor seating area of a restaurant, provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

(11) 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 federal taxation pursuant to the provisions of Section 501(c) of the Internal Revenue Code, when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operation except during an event or activity which is open to the general public.

(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 that the room is not in use for smoking, provided each smoking room shall be fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a

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nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

(d) If smoking is to be permitted in any area exempted by the provisions hereof or in a smoking room as permitted by Section (c) herein, 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 so that no air from the smoking space is 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 fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including totally prohibiting smoking and becoming smoke free.

(e) The person, firm or entity who owns or operates any outdoor areas, as defined in this Chapter, where smoking, tobacco use or vapor use is prohibited shall be responsible for posting a sign, at least four (4) inches by two (2) inches in size, at each entrance to the building providing notice that the place, location or business is smoke free and tobacco free.

(f) Responsibility for posting signs providing notice shall be as follows:

(1) In privately owned facilities, the owner or lessee shall be responsible for posting the notice.

(2) In corporate owned facilities, the manager or person in charge of the facility shall be responsible for posting notice.

(3) In public facilities, the manager or supervisor shall be responsible for posting notice.

Sec. 17-68. Tobacco and vapor use on City owned and controlled property prohibited.

(a) Definitions.

(1) "Indoor area" means that area as defined by Section 17-67(b) of this Code.

(2) "Municipal Property" means all buildings, indoor areas and outdoor areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the City of Yale, including but not limited to vehicles and equipment owned by the City of Yale.

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(3) "Outdoor area" means any area that is not an indoor area, and includes outdoor recreational areas.

(4) "Smoking" means the carrying by a person of a lighted cigarette, cigar, pipe or other lighted smoking device.

(5) "Tobacco Product" means any product that contains tobacco and is intended for human consumption. Tobacco produce does not include any product approved by the United States Food and Drug Administration for use as a tobacco cessation product.

(6) "Vapor Product" means any noncombustible product that may or may not contain nicotine, that employs 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 Product 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 devise 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.

(b) All buildings, recreational areas, indoor areas and outdoor areas owned or operated by the City of Yale shall be designated as entirely nonsmoking areas.

(c) The use of tobacco products and vapor products is prohibited at all times on all municipal property, indoor and outdoor, to include parks and recreational areas. The use of tobacco products and vapor products is prohibited at all times in any vehicle owned or leased by the City of Yale or the Yale Public Works Authority.

(d) Smoking to include the use of vapor products is prohibited within twenty five (25) feet of the entrance or exit of any building owned, leased or operated by the City of Yale.

(e) The City Manager, or designee, shall be responsible for the posting on all municipal property, indoor or outdoor, of signs that provide notice of the prohibition of the use of tobacco products or vapor products, which signs shall comply with the requirements of Section 17-67 of the Yale City Code.

(f) The City Manager, or designee, shall be responsible for enforcement of this Section 17-68 of the Yale City Code. Any person who knowingly violates this Section, after a second offense, may be punished by a fine of not less than Five Dollars (\$5.00) and not more than Ten Dollars (\$10.00).

YALE CITY CODE

Sec. 17-69. Violation.

Any person who knowingly violates this act is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

Article 13. Penalty

Sec. 17-70. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.