

## ORDINANCE NO. 15-30

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES AMENDING SECTION 16-4-4-451, 16-4-4-452, SECTION 16-4-4-467, SECTION 16-4-4-471 AND REPEALING SECTION 16-4-4-468, ALL WITHIN DIVISION 16-4-4, ARTICLE 16-4, CHAPTER 16, LAWTON CITY CODE, 2005, BY REMOVING KNIVES FROM ANY TYPE OF MUNICIPAL REGULATION AS NOW REQUIRED BY STATE LAW, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

### ORDINANCE

***NOW, THEREFORE, BE IT ORDAINED*** by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 16-4-4-451 is hereby amended to read as follows:

16-4-4-451 - Definitions.

As used in this article "Dangerous or deadly weapon" includes any ~~switchblade knife or other knife with a blade which exceeds six (6) inches, dirk, dagger, bowie knife,~~ knuckles made of any metal, blackjack, billy club, slingshot, razor, ~~sword or gun cane,~~ spear or any other devise of like nature capable of inflicting a severe or fatal injury to a human being;

Section 2. Section 16-4-4-452 is hereby amended to read as follows:

16-4-4-452 – Carrying Weapons – Exceptions.

It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse or other container belonging to the person, any ~~dagger, bowie knife, dirk knife, switchblade 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, whether such weapon be concealed or unconcealed, except this section shall not prohibit the carrying or possession of any knife or the proper use of guns and knives for hunting, fishing or recreational purposes, and shall not prohibit the carrying or use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor and punishable as provided in Section 1-119 of this code.

Section 3. Section 16-4-4-467 is hereby amended to read as follows:

16-4-4-467 - Brass knuckles, blackjacks and billy clubs.

No person shall sell, give away or have in his possession for the purpose of sale or giving away, or to display for sale or giving away any brass knuckles or other knuckles of metal, billy club, or blackjack, ~~switchblade knife or bowie knife.~~

Section 4. Section 16-4-4-468 is hereby repealed in its entirety and its number reserved for future use:

16-4-4-468 - ~~Sale or possession of switchblade knives—Exceptions.~~ Repealed and reserved.

~~A. No person shall sell, offer for sale or have in his possession any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical devices or gravity, or any pocket knife with an overall length of six inches or more.~~

~~B. This section shall not include any closed nonmechanical, nongravity pocket knife or six inches or less in overall length, or any knife essential to one's trade.~~

Section 5. Section 16-4-4-471 is hereby amended to read as follows:

16-4-4-471 - Confiscation of weapons.

A. All weapons used or in the possession of any person contrary to the provisions of this article shall be confiscated by the police department; provided, however, this provision does not apply to confiscation of property relating to transporting a firearm improperly ~~as set forth in Section 16-4-4-472.~~ Such weapons shall be forfeited to the city unless a court of competent jurisdiction directs that the item so confiscated be returned to the rightful owner after final disposition of the original violation.

B. The chief of police shall dispose of unredeemed weapons. Firearms may be retained by the police department for official use or may be sold at public auction to dealers licensed to sell firearms.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 7. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this 10th day of November, 2015.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI L. HUSHBECK, CITY CLERK

**APPROVED** as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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FRANK V. JENSEN  
CITY ATTORNEY