

City of Davis



ORDINANCE 14-2021

AN ORDINANCE OF THE CITY OF DAVIS, OKLAHOMA AMENDING TITLE 6 PUBLIC SAFETY, CHAPTER 6 JUVENILES, SECTION 1 CURFEW REGULATIONS AND SECTION 2 TOBACCO PRODUCT SALES; YOUTH ADDICTION.

CHAPTER 6. JUVENILES

Sec 6-6-1 Curfew regulations. ⁺

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

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

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

Minor means any person under the age of eighteen (18) years.

Parent means the natural or adoptive parent of a minor.

Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

- B. *Age and hour restrictions.* It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city: 1) between one minute after twelve o'clock (12:01) and five o'clock (5:00) a.m., Saturday; 2) between one minute after twelve o'clock (12:01) a.m. and five o'clock (5:00) a.m., Sunday; and 3) between ten o'clock (10:00) p.m. on Sunday through Thursday, inclusive, and five o'clock (5:00) a.m. the following day, unless:
1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor.
 2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor.
 3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.
- C. *Allowing curfew violations.* It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in subsection B of this section.
- D. *Responsibility of parent or guardian; exemptions.* It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or, by inefficient control, to allow such person to be on any public place within the city between the hours of curfew designated in subsection B of this section. The provisions of this subsection do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;
 2. The minor is on an emergency errand or specific business or activity directed by his/her parent, guardian, custodian or other adult having the care and custody of the minor; or
 3. The parent, guardian or other adult person herein has made a missing person notification to the city police department.
- E. *Special events.* The council may permit by resolution or motion procedures for advance notice or registration with the city of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time.
- F. *Taking into custody; bond and release.* Any law enforcement officer who shall witness a violation of this section may take such offender into his/her custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court, or may place the minor in the custody of his/her parents or some other responsible person.
- G. *Penalties.* A person who violates a provision of this section under subsection B, C or D is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable as provided in section 1-4-1 of this Code. The court may require community service work prescribed by the court in lieu of a fine if the product of multiplying the number of minimum hours' community service work by the prevailing wage does not result in a number which exceeds the maximum authorized by law. The court shall make the parent or other responsible adult responsible for payment of such fines and costs in the event they are not paid by the juvenile. The parent or responsible adult will be subject to the contempt powers of the court for failure to pay such fines and costs.
- H. *Jurisdiction of court.* The municipal court's jurisdiction over a juvenile who violates this section shall be expressly subject to 10 O.S.

(Ord. 434, 10-15-2002; amd. 2004 Code)

~~⁺Cross-reference(s) — See also section 7-6-1F of this Code, curfew for underage persons riding motorcycles and motor scooters.~~

Sec 6-6-2 Tobacco products sales; youth addiction.

A. Definitions.

Person means any individual, firm, fiduciary, partnership, corporation, trust or association however formed.

Proof of age means a driver's license, license for identification only, or other generally accepted means of identification which describes the individual ~~as eighteen (18)~~ 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.

~~*Sample* means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product.~~

Sample means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

~~*Tobacco product* means any product that contains tobacco and is intended for human consumption.~~

Nicotine product means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is

intended for human consumption: provided however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation.

B. *Distribution and sales; identification.*

1. *Furnishing to underage person; underage employees.* It is unlawful for any person to sell, distribute or furnish in any manner any tobacco, nicotine or vapor product to another person who is under ~~eighteen (18)~~ twenty-one (21) years of age or to purchase in any manner a tobacco, nicotine or vapor product on behalf of another person who is under ~~eighteen (18)~~ twenty-one (21) years of age. Provided, that it shall not be unlawful for an employee under ~~eighteen (18)~~ twenty-one (21) years of age to handle tobacco, nicotine or vapor products when required to do so in the performance of his duties of employment.
2. *Demand proof of age.* A person engaged in the sale or distribution of tobacco, nicotine 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 or recipient may be under ~~eighteen (18)~~ twenty-one (21) years of age.
3. *Fines.* When a person violates subsection B1 or B2 of this section, he will be subject to a fine as established by the city's bond schedule. Provided, that proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this subsection.
4. *Guilt of employee.* If the sale of tobacco, nicotine or vapor products to another person who is under ~~eighteen (18)~~ twenty-one (21) years of age is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.

C. *Purchases by underage persons; falsifying proof of age*

1. *Purchases prohibited; false identification.* It is unlawful for a person who is under ~~eighteen (18)~~ twenty-one (21) years of age to purchase, accept receipt of, or have in his possession a tobacco, nicotine or vapor products, or to present or offer to any person any purported proof of age which is false, fraudulent or not actually his own, for the purpose of purchasing or receiving any tobacco, nicotine or vapor product. Provided, that it shall not be unlawful for such person to handle such tobacco, nicotine or vapor products when required to do so in the performance of his duties of employment.
2. *Fines.* When a person violates subsection C1 of this section, he shall be subject to a fine as established by the city's bond schedule.
3. *Failure to pay fine; driver's license suspension.* Upon failure of the defendant to pay the fine within ninety (90) days of the date of the assessment of such fine, the clerk of the court shall notify the Oklahoma Department of Public Safety, and the department shall suspend or not issue a driver's license to said defendant until proof of payment has been furnished to the department of public safety.

D. *Distribution of samples.*

1. *Distribution to underage persons.* It shall be unlawful for any person to distribute tobacco, nicotine or vapor product samples to any person under ~~eighteen (18)~~ twenty-one (21) years of age.
2. *Distribution near schools.* It shall be unlawful for any person to distribute tobacco, nicotine or vapor product samples in or on any public street, sidewalk or park that is within three hundred feet (300') of the Davis public schools or any facility owned and operated by the Davis public schools.

3. *Fines.* When a person violates subsection D1 or D2 of this section, he shall be subject to a fine as established by the city's bond schedule.
- E. *Tobacco, nicotine or vapor sales in original, sealed packaging.* It is unlawful for any person to sell tobacco, nicotine or vapor products except in the original sealed package in which they were placed by the manufacturer. When a person violates this subsection, he shall be subject to a fine as established by the city's bond schedule.

(1984 Code § 10-421; amd. per minutes dated 11-8-2010)

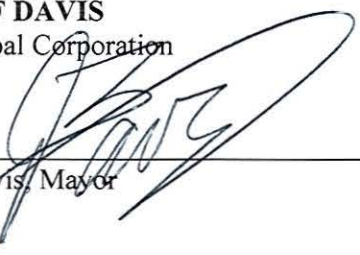
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAVIS, OKLAHOMA:

PASSED AND APPROVED this 8 day of November, 2021.

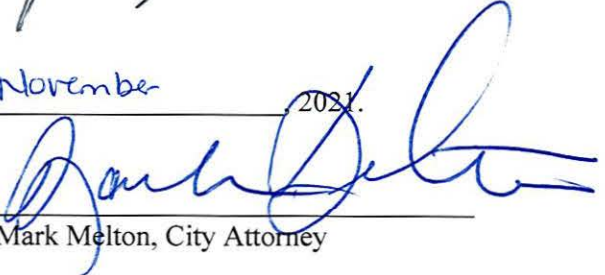
ATTEST:


Susan Suther, City Clerk/Treasurer

CITY OF DAVIS
a Municipal Corporation


Brian Davis, Mayor

APPROVED as to form and content this 8 day of November, 2021.


Mark Melton, City Attorney