

ORDINANCE NO. 3466

“AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 14, CIVIL EMERGENCIES, ARTICLE II, EMERGENCY MANAGEMENT, DIVISION 3, STATE OF EMERGENCY, TO AMEND BY DELETING IN ITS ENTIRETY SECTION 14-66, OFFENSES - GENERALLY, AND SECTION 14-67, SAME – DESTROYING OR DAMAGING PROPERTY; INJURING ANOTHER PERSON; AND DECLARING AN EMERGENCY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

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

SECTION 1: That the Stillwater City Code, Chapter 14, Civil Emergencies, Article II, Emergency Management, Division 3, State of Emergency, Section 14-66, Offenses – Generally, be deleted in its entirety.

Sec. 14-66. Offenses—Generally.

~~The following provisions shall apply during a state of emergency:~~

- ~~(1) A person is guilty of riot when he participates with two or more persons in the course of disorderly conduct:
 - ~~a. With intent to commit or facilitate the commission of a felony or misdemeanor;~~
 - ~~b. With intent to prevent or coerce official action; or~~
 - ~~c. When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.~~~~
- ~~(2) Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of an offense.~~
- ~~(3) A person is guilty of an offense under this section committed by another person when:
 - ~~a. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense;~~
 - ~~b. Intending to promote or facilitate the commission of the offense he:
 - ~~1. Solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it;~~
 - ~~2. Aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or~~
 - ~~3. Having a legal duty to prevent the commission of the offense fails to make a proper effort to do so;~~~~
 - ~~c. His conduct is expressly declared by a statute of this state to establish his complicity.~~~~
- ~~(4) In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:
 - ~~a. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or~~
 - ~~b. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.~~~~
- ~~(5) Disorderly conduct as used in this section means a course of conduct by a person who:
 - ~~a. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:
 - ~~1. Engaging in fighting or in violent, tumultuous, or threatening behavior;~~~~~~

2. ~~Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present;~~
 3. ~~Dispersing any lawful procession or meeting of persons, not being a peace officer of this city and without lawful authority; or~~
 4. ~~Creating a hazardous or physically offensive condition which serves no legitimate purpose; or~~
- b. ~~Engages with at least one other person in the course of disorderly conduct as set forth in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a law enforcement officer to the participants.~~

SECTION 2: That the Stillwater City Code, Chapter 14, Civil Emergencies, Article II, Emergency Management, Division 3, State of Emergency, Section 14-67, Same – Destroying or damaging property; injuring another person, be deleted in its entirety.

Sec. 14-67. Same—Destroying or damaging property; injuring another person.

- (a) ~~During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of an offense.~~
- (b) ~~A person is guilty of an offense under this section committed by another person when:~~
- (1) ~~Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or~~
 - (2) ~~Intending to promote or facilitate the commission of the offense he:~~
 - a. ~~Solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it;~~
 - b. ~~Aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or~~
 - c. ~~Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.~~
- (c) ~~In any prosecution for an offense under this section in which the criminal liability of the accused is based upon conduct of another person pursuant to this section, it is no defense that:~~
- (1) ~~The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or~~
 - (2) ~~The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.~~

SECTION 3. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health and safety of the citizens of the City of Stillwater, Oklahoma, an emergency is hereby declared to exist, by reason whereof this ordinance shall become effective from and after the date of publication.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF DECEMBER, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS
14TH DAY OF DECEMBER, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 14TH DAY OF DECEMBER, 2020.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 12-7-20
Second Reading: 12-14-20