

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING SECTION 10-201 OF THE LUTHER CODE OF ORDINANCES, PETIT LARCENY PROHIBITED, INCREASING THE DOLLAR AMOUNT OF PETIT LARCENY FROM NO MORE THAN \$50.00 TO LESS THAN \$1,000.00, AND PROVIDING FOR A FINE OF NOT LESS THAN \$10.00 OR MORE THAN \$500.00, OR IMPRISONMENT NOT TO EXCEED 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT; ADDING SECTION 10-423 TO THE LUTHER CODE OF ORDINANCES, EMBEZZLEMENT PROHIBITED, SETTING A DOLLAR AMOUNT OF EMBEZZLEMENT TO LESS THAN \$1,000.00, AND PROVIDING FOR A FINE OF NOT MORE THAN \$750.00 OR IMPRISONMENT NOT TO EXCEED 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT; CHANGING SECTION 10-419 OF THE LUTHER CODE OF ORDINANCES PERTAINING TO BOGUS CHECKS TO DEFRAUDING HOTELS, RESTAURANTS, AND OTHER SERVICE PROVIDERS, SETTING A DOLLAR AMOUNT OF LESS THAN \$1,000.00, AND PROVIDING FOR A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT NOT TO EXCEED 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT; AMENDING SECTION 10-418 OF THE LUTHER CODE OF ORDINANCES, CHANGING HARMFUL DECEPTION TO OBTAINING PROPERTY BY TRICK OR DECEPTION, FALSE REPRESENTATION, OR PRETENSE, SETTING A DOLLAR AMOUNT OF LESS THAN \$1,000.00, AND PROVIDING FOR A FINE OF NOT MORE THAN \$750.00 OR IMPRISONMENT NOT TO EXCEED 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT; THE PURPOSE OF ALL REVISIONS TO BRING THE REFERENCED SECTIONS INTO COMPLIANCE WITH STATE STATUTE; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA THAT:

SECTION I. Section 10-201 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 10-201. PETIT LARCENY PROHIBITED.

A. Petit larceny is the taking of personal property of value less than \$1,000.00, accompanied by fraud or stealth and with the intent to deprive another thereof, provided that it does not include the taking of such property from the person of another.

B. Petit larceny is unlawful, and any person who commits petit larceny shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 or more than \$500.00, or by imprisonment of not more than 60 days, or both such fine and imprisonment.

SECTION II. Section 10-423 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 10-423. EMBEZZLEMENT PROHIBITED.

A. It shall be unlawful for any person to knowingly embezzle money, property, or anything of value from any other person, corporation or legal entity. Any person who commits embezzlement shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750.00, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

B. Embezzlement is defined as the fraudulent appropriation of money or property of value less than \$1,000.00, owned by any person, corporation or legal entity, for any use or purpose not intended or authorized by its owner, or the concealment of the property with the fraudulent intent to appropriate it to such use or purpose. Embezzlement does not require a distinct act of taking, but only a fraudulent concealment, appropriation, conversion, or use of the property.

SECTION III. Section 10-419 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 10-419 DEFRAUDING HOTELS, RESTAURANTS, AND OTHER SERVICE PROVIDERS

A. It shall be unlawful for any person to obtain food, lodging, services, or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit, or other service provider, of a value less than \$1,000.00. Proof that the lodging, food, services, or other accommodations were obtained by false pretense or by false or fictitious show, or that a check was given where payment was refused, or that the person left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit, or other service provider without payment or offering to pay for such food, lodging, services or other accommodation, shall be prima facie proof of the intent to defraud. Provided that this section shall not apply where there has been an agreement in writing for delay in payment.

B. Any person who violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

SECTION IV. Section 10-418 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 10-418 OBTAINING PROPERTY BY TRICK OR DECEPTION, FALSE REPRESENTATION, OR PRETENSE


A. It shall be unlawful for any person, with the intent to cheat and defraud, to obtain or attempt to obtain from any person, firm, or corporation any money, property or valuable thing, of a value less than \$1,000.00, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin.

B. Any person who violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750.00, or by imprisonment of not more than 60 days, or by both such fine and imprisonment.

SECTION V. All ordinances in conflict herewith are hereby repealed.

SECTION VI. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Luther and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED and the Emergency Clause ruled upon separately this 25th day of July, 2019.


MAYOR

ATTEST:


TOWN CLERK



Approved as to form and legality:


Town Attorney