

Offenses and Crimes

PART 10

OFFENSES AND CRIMES

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SECTION 10-101     ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the town, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 10-102     AIDING IN AN OFFENSE.

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

SECTION 10-103     "OFFENSE" DEFINED.

The word "offense," whenever used in this code or in any part, chapter, article or ordinance of the town means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the town.

SECTION 10-104     "VIOLATION" DEFINED.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this code or any part, chapter or article hereof, or future ordinances of the town, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the town and unlawful.

SECTION 10-105      PENALTY NOT TO EXCUSE OFFENSE.

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.

SECTION 10-106      CAPACITY TO COMMIT OFFENSE.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

1. Children under the age of seven (7) years;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
5. Persons who committed the act charged without being conscious thereof, involuntarily; and
6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

SECTION 10-107      INTOXICATION NO DEFENSE.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

SECTION 10-108      WITNESS, SELF INCRIMINATION.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

SECTION 10-109     NUISANCES.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premise or premises owned by him or under his control at any place within the corporate limits of the town.

SECTION 10-110     CONSPIRACY.

Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to any unlawful act with force or violence and shall make any movement therefor against the property of the town or the person or property of another person shall be guilty of an offense.

SECTION 10-111     LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be as provided by the statutes of the State of Oklahoma.

SECTION 10-112     LAWFUL USE OF FORCE.

A.     To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the town in the following cases:

1.     When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;
2.     When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;
3.     When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;
4.     When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

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5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;

6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;

7. In preventing or interrupting an intrusion upon the lawful possession of property; and

8. To preserve the, peace or prevent the commission of an offense.

B. Where force is permitted to effect a lawful purpose, only that degree of force necessary to effect such purpose shall be used.

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OFFENSES AGAINST PERSONS

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SECTION 10-201     ASSAULT AND BATTERY.

No person shall commit an assault or battery, or both, upon the person of another.

SECTION 10-202     ASSAULT DEFINED.

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

SECTION 10-203     BATTERY DEFINED.

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

SECTION 10-204     RECKLESS CONDUCT.

A.     Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.

B.     It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.



CHAPTER 3

OFFENSES AGAINST PROPERTY

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SECTION 10-301      PETIT LARCENY; EMBEZZLEMENT; SHOPLIFTING.

A No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of One Thousand Dollars (\$1,000.00) or embezzle any money, personal property or effects of another under the

value of One Thousand Dollars (\$1,000.00). This section does not apply to taking property from the "person" of another.

B. If any person conceals unpurchased merchandise of any store or mercantile establishment, either on the premises or outside the premises of such establishment, there shall be a rebuttable presumption that the person shall have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such persons shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his agent or employee. Any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable.

SECTION 10-302     LARCENY BY FALSE PRETENSE.

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value is less than One Thousand Dollars (\$1,000.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

SECTION 10-303     ALTERING KEYS.

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

SECTION 10-304     POSSESSION OF STOLEN PROPERTY.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully.

SECTION 10-305     DEFRAUDING PUBLIC ACCOMMODATIONS; PROOF; EXCEPTION.

A. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.

B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel,

motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.

C. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.

D. This section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 10-306      CONCEALING UNPURCHASED MERCHANDISE:  
MERCHANT'S AUTHORITY TO DETAIN.

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

SECTION 10-307      FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE.

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means of public conveyance or passengers, operating under the code, ordinance, franchise, permit or license of the town or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

SECTION 10-308      FALSE OR BOGUS CHECKS.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person any money, property or valuable thing of the value of One Thousand Dollars (\$1,000.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the

protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-309 HARMFUL DECEPTION.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

SECTION 10-310 DEFACING BUILDING, DAMAGING PROPERTY.

A. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.

B. No person shall:

1. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;

2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or

3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY.

No person shall willfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own.

SECTION 10-312 DAMAGING PRIVATE PROPERTY.

No person shall willfully and wantonly damage or destroy the personal property of another.

SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION.

A Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the town to designate or mark grades, lines, corners or benchmarks on any public work in the town prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.

B. Any contractor or other person constructing any public work in the town shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the town.

SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

A. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.

B. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

SECTION 10-315 TAMPERING WITH OR DAMAGING OF UTILITIES.

A. No person shall alter, remove, tamper with, molest, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the town, the Sperry Utility Services Authority, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the town without consent of the utility or town having been first obtained.

B. It is unlawful to open up any manhole or opening to a sewer unless authorized by the town, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.

C. No person except a member of the fire department or a person acting on lawful order or permit issued by the town shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.

D. No person shall in any manner whatsoever:

1. Cut into, attach or intercept the wires, cables or pipes, of any electric, water, cable television or gas utility or of the town for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;

2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter, electric current, water or gas in order to prevent the electric current, water or gas from being measured by the meter, or in such other manner so as to

consume or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or town or public utility out of the value of the service; or

3. By any device or manipulation whatsoever to cause electric current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or town from payment thereof.

E. Each day that any person maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

SECTION 10-316 DESTROYING TREES AND SHRUBBERY.

A No person shall willfully, maliciously and without lawful authority, cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.

B. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the town.

SECTION 10-317 TRESPASSING PROHIBITED, NOTICE, TRESPASS PROHIBITED.

A. It is unlawful and an offense for any person to commit a trespass within this town upon either public or private property.

B. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner or other person in lawful possession of the premises. Trespass shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, of after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.

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C. Any of the following acts by any person shall be deemed a violation of this section:

1. The doing of an injury or misfeasance to the person of another;
2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
4. An entry upon the premises, or any part thereof, of another, in violation of a notice exhibited thereon prohibiting entry at specified times;
5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a town official;
8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a town official;
9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
10. An entry of any public building except for the purpose of dispatching business with the public entity or consent is obtained from the town board of trustees or other public official which is lawfully authorized to give consent; or
11. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this paragraph.

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D. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7 and 9 of Subsection C hereof shall meet the following criteria:

1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;
2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and
3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the town code.

### SECTION 10-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS.

A. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the town after business hours without consent of the lawful owner, occupant, lessee or employee thereof.

B. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to a fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.

C. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the town code.

D. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience / stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, professional services (medical, legal, accounting, insurance, consulting).



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E. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.

F. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.

G. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in Section 1-108 of this code.

H. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this code.

I. The provisions of this section are cumulative of other applicable offenses enacted in this code or state law.

### SECTION 10-319 UNLAWFUL INTRUSION ON LAND.

A. No person shall intrude or remain upon any lot or piece of land, or in any building within the town without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.

B. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the town, any structure whatsoever, unless such person is granted a license by the town to do so.

### SECTION 10-320 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely, to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

SECTION 10-321     THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED.

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or town-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

SECTION 10-322     LITTERING, DEPOSITS UNLAWFUL.

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the town or upon the property of another without express authority to do so.

SECTION 10-323     POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER.

A.     No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.

B.     No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

SECTION 10-324     POSTING ADVERTISING MATTER ON UTILITY POLES OR ON OR OVER STREETS AND SIDEWALKS.

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the town or to place any advertising on any signs or banners stretched over the streets or sidewalks of the town. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the town from erecting and maintaining business or commercial signs in accordance with the ordinances of the town, nor to prohibit the granting of permission by the town to religious, charitable, patriotic or civic bodies to use banners across the streets of the town in such places as may be designated by the Town Administrator, or by the Mayor in the absence of the Town Administrator, for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

SECTION 10-325     INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS.

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television, computers, internet, or telephone reception of others or causes damage to the same.

SECTION 10-326     FALSE WEIGHTS.

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefore, or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and willfully report any false or untrue weight whereby another person shall be defrauded or damaged.

SECTION 10-327     ELECTRIC FENCES PROHIBITED.

It is unlawful for any person to erect, install or maintain any electrically charged fence within the town, except that the building official may issue a permit for an electrically-charged fence to retain animals upon proof that the fence will not be hazardous to life, and upon proof that the electric charge is regulated by a controlling device.

SECTION 10-328     UNLAWFUL USE OF ANOTHER'S GARBAGE OR REFUSE CONTAINER.

It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the town or a public or private trash, garbage or refuse hauling service, without the permission of the owner, lessee or other person entitled to the possession or use thereof.

SECTION 10-329     FIREWORKS PROHIBITED, EXCEPTIONS.

A.     For the purpose of this section, "fireworks" shall have the meaning as set forth in Section 11-501 of the Sperry Town Code.

B.     It is unlawful for any person to manufacture, display, store, sell, possess for sale, discharge or use fireworks within the town except as provided in Section 11-501 through Section 11- 506, inclusive, of the Sperry Town Code.

## Offenses and Crimes

C. Pyrotechnic or fireworks displays may be authorized in accordance with the town fire code when under proper control and the time, place and manner of the display is permitted by the town.

### SECTION 10-330 DESTRUCTION OR DAMAGE TO MAILBOXES.

It is unlawful for any person to destroy, damage, injure or deface any mailbox or other receptacle intended or used for the receipt or delivery of mail.

### SECTION 10-331 INTERFERENCE WITH FIRE HYDRANTS.

A. It is unlawful for any person except one duly authorized by the Town Administrator, or a duly authorized employee of the town or the Sperry Utility Services Authority or member of the town fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the town or utility authority.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any manner obstructing access to a fire hydrant.

### SECTION 10-332 FUEL PUMP THIEVERY.

Any person who pumps any fuel, including gasoline or diesel, and leaves the premises where the fuel was pumped without making payment for the fuel shall be guilty of an offense.

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-401	Disturbing the peace.
Section 10-402	Disturbing funerals.
Section 10-403	Disorderly conduct.
Section 10-404	Unnecessary noise prohibited.
Section 10-405	Discharging firearms, air rifles and BB guns.

SECTION 10-401     DISTURBING THE PEACE.

A.     It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.

B.     Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

1.     Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
2.     Appearing in an intoxicated condition;
3.     Engaging in a fistic encounter;
4.     Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
5.     Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
6.     Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
7.     Interrupting any lawful assembly of people 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,
8.     Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
9.     Obstructing, molesting or interfering with any person lawfully in a public place;

## Offenses and Crimes

10. Making unnecessarily loud, offensive noises;

11. Disturbing 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; or

12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.

C. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

D. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

### SECTION 10-402     DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

### SECTION 10-403     DISORDERLY CONDUCT

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he:

1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;

2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;

4. Jostles/or crowds or pushes any person in any public place;

5. Uses "fighting words" directed toward any person and thus creates a turmoil;

Offenses and Crimes

6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

7. By acts of violence interferes with another's pursuit of a lawful occupation.

SECTION 10-404 UNNECESSARY NOISE PROHIBITED.

A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town.

B. Permits may be granted by the town for certain activities and events which are exempt from the provisions of this section.

SECTION 10-405 DISCHARGING FIREARMS, AIR RIFLES AND BB GUNS.

A. It is unlawful for any person to discharge a firearm, including, but not limited to, a handgun, pistol, revolver, rifle or shotgun, within the municipal limits of the Town of Sperry, Oklahoma, except when doing so lawfully in the line of duty as a peace officer, when doing so lawfully and safely for law enforcement training purposes as approved by the Town Police Chief, when doing so lawfully in the defense of oneself, of another person, or of property, or when otherwise authorized by law or ordinance.

B. It shall be unlawful for any person to fire, shoot or discharge any air rifle, air gun, pellet weapon, BB gun or CO<sub>2</sub> cartridge gun within the municipal limits of the Town of Sperry, Oklahoma, except when doing so lawfully in the line of duty as a peace officer, when doing so lawfully and safely for law enforcement training purposes as approved by the Town Police Chief, when doing so lawfully in the defense of oneself, of another person, or of property, or when otherwise authorized by law or ordinance.

CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 10-501	Public intoxication.
Section 10-502	Marijuana prohibited.
Section 10-503	Drug paraphernalia.
Section 10-504	Sniffing glue, paint and other substances.
Section 10-505	Curfew for minors.
Section 10-506	False representation as blind, crippled or physically defective to obtain money, aid.
Section 10-507	Prowling on premises.
Section 10-508	Misrepresenting age by false documents.
Section 10-509	Obscene, threatening or harassing telephone calls or text messages.
Section 10-510	Disorderly house.
Section 10-511	Nudity, improper dress, indecent exposure.
Section 10-512	Gambling and gambling devices.
Section 10-513	Prostitution prohibited.
Section 10-514	Offenses near schools.
Section 10-515	Sleeping in places, property.
Section 10-516	Contributing to delinquency of a minor.
Section 10-517	Tobacco, nicotine product or vapor product prohibited to persons under twenty-one (21) years of age.
Section 10-518	Tobacco use, nicotine product use or vapor product use on or in Town Property.

SECTION 10-501      PUBLIC INTOXICATION.

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or nonintoxicating beverages to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

SECTION 10-502      MARIJUANA PROHIBITED.

A.      Unless otherwise specifically permitted by state law, it is unlawful for any person:

1.      To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana;

2.      To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the town;



3. To use marijuana in any place within the town except as legally permitted by state law;

4. To be about a place where marijuana is sold or furnished illegally.

B. For the purpose of this section, "marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

SECTION 10-503      DRUG PARAPHERNALIA

A. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101, *et seq.* of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the act," and adopted by reference herein. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

## Offenses and Crimes

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- J. Air-driven pipes;
- k. Chillums;
- l. Bongs; or

m. Ice pipes or chiller.

B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of the act;

4. The proximity of the object to controlled substances;

5. The existence of any residue of controlled substances on the object:

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

C. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

D. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

E. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

SECTION 10-504     SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

SECTION 10-505     CURFEW FOR MINORS.

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

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

2. "Guardian" is any person other than a parent who has legal guardianship of a minor;

3. "Minor" is any person under the age of eighteen (18);

4. "Parent" is the natural or adoptive parent of a minor; and

5. "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, 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 of the above.

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B. 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 town between the hours of 12:00 midnight and 5:00 AM. in the morning 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; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

C. 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. 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 town between the hours of curfew designated in Subsection B of this section. The provisions of this section 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 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 town police department.

E. The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section.

F. A parent, guardian or custodian, of such minor, may file a written application directed to the chief of police of the town who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five (5) consecutive days, or in the alternative, two (2) days of any week for a period not to exceed thirty (30) days. All requests shall be filed with the town clerk-treasurer of the town.

G. The chief of police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the chief of police, may file a request for hearing before the judge of the municipal court of the town who shall summarily hear same, and his judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his 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 or her parents or some responsible person.

SECTION 10-506     FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

SECTION 10-507     PROWLING ON PREMISES.

No person shall be upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

SECTION 10-508     MISREPRESENTING AGE BY FALSE DOCUMENTS.

No person shall, for the purpose of violating any statutes of the state or any ordinances of the town, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

SECTION 10-509     OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS OR TEXT MESSAGES.

A. No person, by means of a telephone, (whether a conventional land-line telephone or cellular telephone) shall willfully:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent, either by voice or text message;
2. Make a telephone call or transmit a text message, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number or number text messaged;
3. Permit any telephone under his control to be used for any purpose prohibited by this section; or

4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.

B. Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

SECTION 10-510 DISORDERLY HOUSE.

A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;

2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic and nonintoxicating beverages as defined by law;

3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or

4. The violation of any state statute or town ordinance prohibiting gambling.

B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

C. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

D. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

SECTION 10-511     NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1.     Appear in any public place in the town in a state of nudity;
2.     Appear in any public place in the town in any offensive, indecent or lewd dress; or appear in public in any attire that exposes the genitals, anus, vulva or nipples or areole.
3.     Make an indecent public exposure of his or her genitals or breast under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:
  - a.     abuse, humiliate, harass, or degrade another person or persons; or
  - b.     arouse or gratify the person's own sexual response or desire or the sexual response or desire of another person or persons.

SECTION 10-512     GAMBLING AND GAMBLING DEVICES.

A.     Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.

B.     Any person who bets on or plays at any of the prohibited games mentioned in subsection A above, or otherwise gambles, is guilty of an offense.

C.     It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel, slot machine or other article or apparatus designed for or used for gambling purposes.

D.     It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used /or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, such uncertain event or condition including sporting games, events or matches. For purposes of this section, "sporting games, events or matches" are defined as football games, basketball games, baseball games, softball games, volleyball games, wrestling matches, tennis matches, golf matches or tournaments, track and field meets, or bowling match or tournament, or any other sport or athletic contest, whether professional or amateur.



E. It is unlawful for any person to play any prohibited game described in this section.

F. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the town, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel, slot machine or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.

G. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.

H. It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

1. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law.

SECTION 10-513     PROSTITUTION PROHIBITED,

A. As used in this section, "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.

B. It is unlawful:

1. To engage in prostitution, lewdness or assignation;

2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or

3. To aid, abet or participate in the doing of any of the acts herein prohibited.

C. No person shall in any way or manner whatever, keep, harbor or house any prostitute.

D. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.

## Offenses and Crimes

E. No person shall keep or maintain a house of prostitution or house of assignation.

F. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the town, or knowingly permit the same to be so used.

G. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.

H. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.

I. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

J. It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer; that such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

K. For the purpose of this section, a "known prostitute or procurer" is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution or soliciting for the purpose of prostitution unlawful.

### SECTION 10-514    OFFENSES NEAR SCHOOLS.

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

1. Any conduct that would disturb the orderly conduct of the school;
2. Annoying or molesting any student or employee of the school;

## Offenses and Crimes

3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;

4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or

5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

### SECTION 10-515 SLEEPING IN PLACES, PROPERTY.

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, 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.

### SECTION 10-516 CONTRIBUTING TO THE DELINQUENCY OF A MINOR.

A. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.

B. Any person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.

### SECTION 10-517 TOBACCO, NICOTINE PRODUCT OR VAPOR PRODUCT PROHIBITED TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.

It is unlawful and an offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars, tobacco in any form, a nicotine product or a vapor product (as defined in Part 8, Chapter 7, Section 8-701 of this Town Code) to person under the age of twenty-one (21), or to permit such person to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form.

### SECTION 10-518 TOBACCO USE, NICOTINE PRODUCT USE OR VAPOR PRODUCT USE ON OR IN TOWN PROPERTY.

It is unlawful and an offense for any, person, whether an employee or officer of the town or not, to use tobacco in any form, including, but not limited to, cigarettes, cigars, chewing tobacco or snuff, or a nicotine product or a vapor product (as defined in Part 8, Chapter 7, Section 8-701 of this Town Code) on town property, inside buildings or structures owned by the town, or in town vehicles or equipment.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Escaping custody.
Section 10-602	Conveying instruments to assist escape.
Section 10-603	Assisting prisoner to escape.
Section 10-604	Assaulting town officer.
Section 10-605	Delivery of articles to person in confinement.
Section 10-606	Resisting a police officer.
Section 10-607	Citizens' duty to assist.
Section 10-608	Obedience to orders of police and firefighter.
Section 10-609	Eluding police officer by motor vehicle.
Section 10-610	Use of siren or whistle.
Section 10-611	Impersonating a police officer or any town officer.
Section 10-612	False statements, reports or complaints.
Section 10-613	False alarms.
Section 10-614	Removal of barricades.
Section 10-615	Resisting public officials.
Section 10-616	Duties of the public at fires, emergencies
Section 10-617	Tampering with signs, equipment

SECTION 10-601     ESCAPING CUSTODY.

No person lawfully in custody or confined in the town jail, before or after conviction for any violation of the ordinances of the town, or held in custody going to the town jail, or working upon the streets or other public grounds of the town or in custody of any officer of the town, shall break or attempt to break such town jail or custody, and escape or attempt to escape therefrom.

SECTION 10-602     CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

No person shall convey into the town jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the town jail for any violation of the town ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 10-603     ASSISTING PRISONER TO ESCAPE.

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the town.

SECTION 10-604     ASSAULTING TOWN OFFICER.

No person shall commit any assault, battery or assault and batter any town official police officer, firefighter or paramedic/emergency medical technician while in the performance of their duties.

SECTION 10-605     DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner.

SECTION 10-606     RESISTING A POLICE OFFICER.

A.     It is unlawful to resist, oppose or assault, prevent, fail to cooperate with or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.

B.     It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C.     Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

D.     The words "obstruction of shall, in addition to their common meaning, include:

1.     Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
2.     Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and/or before he is under arrest; or
3.     Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-607     CITIZENS' DUTY TO ASSIST.

It is the duty of all persons in the town when called upon by any police officer to promptly aid and assist him in the execution of his duties.

SECTION 10-608     OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER.

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

SECTION 10-609     ELUDING POLICE OFFICER BY MOTOR VEHICLE.

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

SECTION 10-610     USE OF SIREN OR WHISTLE.

A     No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.

B.     No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

SECTION 10-611     IMPERSONATING A POLICE OFFICER OR ANY TOWN OFFICER.

A     No person, other than police officers of the town, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the town.

B.     No person shall do or attempt any act to impersonate a police officer.

C.     It is unlawful to falsely impersonate any officer or employee of the town, or falsely represent himself to be an officer or employee of the town, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being authorized to do so.

SECTION 10-612     FALSE STATEMENTS, REPORTS OR COMPLAINTS.

A.     No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the town, or on any official application or to commit perjury before any tribunal of the town.

B.     No person shall willfully and without probable cause make a false report to any person of any crime, violation of the town's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

SECTION 10-613     FALSE ALARMS.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department, police department or any other emergency personnel, or summon any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless or unnecessary run to any part of the town or outside the town.

SECTION 10-614     REMOVAL OF BARRICADES.

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

SECTION 10-615     RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or willfully to:

1.     Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties;
2.     Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or
3.     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.

SECTION 10-616     DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES.

A.     All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.

B.     No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.

C.     Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department, and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.

D.     No person shall follow or block the way of any emergency vehicle engaged in an emergency run, or knowingly interfere with officers at the location of any fire or emergency.

SECTION 10-617     TAMPERING WITH SIGNS, EQUIPMENT.

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the town in connection with the administration of town code provisions, ordinances, regulations, services, functions or performance of duties thereto.



CHAPTER 7

TRUANCY

Section 10-701 Truancy.

SECTION 10-701 TRUANCY.

A. It shall be unlawful for a parent 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 a public, private or other school, unless other means of education are provided for the full term the schools of the district wherein said child resides or the child is excused as provided herein.

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 of the schools of the district in which the child resides.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, as 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 child is excused from attendance at school due to an emergency, by the principal of the school in which the child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

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

4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian or custodian of

the child submits a written request for the absence, the school district shall excuse the student pursuant this subsection for the days in which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days; or

5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

D. Any attendance officer, any school administrator or designee of the school administrator who is employed by the school, or any peace officer may, except for children being home schooled pursuant to the Oklahoma Statutes, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the school district that such attendance office, peace officer or school official serves, if said school district has previously approved the temporary detention and custody pursuant to this section.

E. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district, or to a community intervention center, as defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes.

F. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a limited type of prevention and is justified if there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer or school official intends to detain is a truant.

G. PENALTIES.

1. Any parent, guardian, custodian, child or other person violating any of the provisions of this Section 10-701, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

a. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

b. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment of not more than ten (10) days, or both such fine and imprisonment;

c. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two hundred fifty Dollars (\$250.00), or imprisonment of not more than fifteen (15) days, or both such fine and imprisonment;

d. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The Court may require that all or part of the community service be performed for a public school district.

e. The Court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the municipal court shall constitute a separate offense.

H. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

I. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine(s) set forth in this section. The court may require that all or part of the community service be performed for a public school district.

J. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

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1. Verifying attendance of the child with the school;
2. Attending meetings with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.