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CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

SECTION 1-101 HOW CODE DESIGNATED AND CITED.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Okeene, Oklahoma," and may be so cited.

State Law Reference: Adoption and revision of codes of ordinances, 11 O.S. Sections 14-108 and 14-109.

SECTION 1-102 RULES OF CONSTRUCTION.

In the construction of this code and of all ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the Board of Trustees:

1. "Town" means the Town of Okeene;

2. "Board" means the Board of Trustees of the Town of Okeene;

3. "Computation of time." Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;

4. "County" or "this county" means the County of Blaine, Oklahoma;

5. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;

6. "Joint Authority." All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;

7. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances

of the town, and, when appropriate, any and all rules and regulations promulgated thereunder;

8. "Mayor" means the mayor of the town;

9. "Month" means a calendar month;

10. "Nontechnical and technical words." Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meanings;

11. "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

12. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";

13. "Or, and" "Or" may be read "and," and "and" may be read "or," if the sense requires it;

14. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk," "Town clerk," "Town attorney," "fire chief," "chief of police," etc. they shall mean the officers, agencies or departments of the Town;

15. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

16. "Preceding, following" means next before and next after, respectively;

17. "Property" shall include real and personal property;

18. "Signature or subscription" includes a mark when a person cannot write;

19. "State" or "this state" shall be construed to mean the State of Oklahoma;

20. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

21. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public way in the town which are dedicated and open to public use;

22. "Tense." Words used in the past or present tense include the future as well as the past and present;

23. "Week" means seven (7) days; and

24. "Year" means a calendar year.

SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS.

The catchlines of sections in this code are printed in CAPITAL LETTERS and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or re-enacted.

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.

A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 1-105 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Board of Trustees that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in the code is declared unconstitutional, illegal or otherwise invalid

by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances.

SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language: "Be it ordained by the Board of Trustees of the Town of Okeene, Oklahoma, that Section _____ of the code of ordinances of the Town of Okeene, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full).

C. When the Board of Trustees desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the Town desires to incorporate into the code, a section in substantially the following language may be made part of the ordinance:

> Section _____. Be it ordained by the Board of Trustees of the Town of Okeene, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Okeene, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention.

D. All sections, articles, chapters or provisions of this code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

State Law Reference: Enactment of ordinances, 11 O.S. Sections 14-103 et seq.

SECTION 1-107 ALTERING CODE.

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the town to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-108 of this Code.

Section 1-108 GENERAL PENALTY; STATE ASSESSMENTS AND TECHNOLOGY FEE.

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding:

1. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00).

2. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

B. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this Section.

C. Except as otherwise provided by state law, the following fees and costs shall be charged:

(1) Court costs in the amount of thirty dollars $30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the Town attorney.

(2) The court clerk shall charge a fee of thirty dollars ($30.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses, but excluding parking violations. "Conviction" for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit funds to a nontransferable interest bearing account and used solely and exclusively for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related to the administration of the criminal justice system and costs of prosecution.

(3) The court clerk shall charge a fee of five dollars ($5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code upon any conviction of the crime of possession of marijuana or the crime of possession of paraphernalia. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies in the fund on a monthly basis directly to the bureau of narcotics drug education revolving fund.

(4) The court clerk shall charge a fee of nine dollars ($9.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars ($10.00) or more. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit on a monthly basis eight dollars ninety- two cents ($8.92) of every nine dollar ($9.00) fee imposed to the council on law enforcement education and training.

(5) The court clerk shall charge a fee of five dollars ($5.00), which shall be in addition to and not in substitute for any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars ($10.00) or more. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies on a monthly basis to the AFIS fund.

(6) The court clerk shall charge a fee of five dollars ($5.00), which shall be in addition to and not in substitute for

any and all fines and penalties provided for by this section or code, upon conviction of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars ($10.00) or more.

"Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies on a monthly basis to the forensic science improvement revolving fund.

(7) The court clerk shall charge a fee of fifty dollars {$50.00), which shall be in addition to and not in substitute for any and all fines- and penalties provided for by this section or code,upon conviction of any alcohol related offense. "Conviction", for purposes of this section, shall mean any final adjudication of guilt and includes any deferred or suspended sentence. The court clerk shall remit the monies to an account of the town that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic related offenses involving alcohol or other intoxicating substances.

(8) When a deferred sentence is imposed, the court clerk shall charge a deferral fee of Fifty Dollars ($50.00) and an administrative fee of up to five hundred dollars ($500.00), as directed by the court.

(9) The court may require a person who is actually received into custody at the jail facility, for any offense, to reimburse the Town for the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the Court Clerk as provided for the collection of other fines and costs. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care and psychiatric services. In the event the Town has a contract with the County for the provision of jail services which provides for a barter of services for jail cells, the cost of incarceration charged the criminal defendant shall be in the same amount as the normal and customary amount charged by the County to third parties for such costs of incarceration.

D. Except as may be provided in this code respecting any particular offense, and in such event such specific provision shall apply, the fine and bond schedule provided for in Section 1-111.C and on file in the Office of the Court Clerk shall be the fine and bond amount to be paid by all defendants for all charges brought in

the Okeene Municipal Court not of Record. In addition, notwithstanding the stated amount of the state assessment fees as set out in subsection C (3), (4), (5) and (6) hereinabove, in the event the Oklahoma Legislature increases such state assessment fees amount, upon such stated effective date, such amended state assessment fees shall be charged and collected as if such higher amounts were fully set out herein.

State Law Reference: Maximum fine levied in courts not of record, $200.00, 11 O.S. Section 14-111. Maximum fine levied without jury trial, $100.00, 11 O.S. Section 27-119. Maximum fine levied by court with non-lawyer judge with appropriate CLE, $100.00, 11 O.S. Section 27-119.

Note: This section was amended by Ordinance No. 2017-17 approved on the 11th day of July 2017.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.

SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN.

All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and shall be in full effect therein, insofar as they are applicable. All ordinances of the town which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the town shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise.

SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED.

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the Town Board of Trustees. Where a fee or charge is authorized to be collected by the Town in any ordinance the amount of the fee or charge shall be set by resolution and entered into the schedule of fees and charges. The schedule shall be kept on file in the office

of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.

B. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

C. The following shall be the bond schedule as of the adoption of this Code:

RULES OF THE ROAD

Charge	Fine	§ of Ok. Stat. or Okeene MC
Speed		
1 to 10 mph over posted limit	$145.00	OMC § 15-401
11 to 20 mph over posted limit	$170.00	OMC § 15-401
21 to 30 mph over posted limit	$195.00	OMC § 15-401
31 or over posted limit	$200.00	OMC § 15-401
School Zone	$200.00	OMC § 15-402
Failure to reduce weather/road	$200.00	OMC § 15-403
Impede traffic movement	$200.00	47 §11-804(a)
Operating MV at speed not proper	$200.00	OMC § 15-525
Recklessness or Carelessness		
Eluding an Officer	$500.00	OMC § 10-507
Reckless Driving	$500.00	OMC § 15-406
Careless Driving	$245.00	OMC § 15-523
Failure to Devote Full-time	$170.00	OMC § 15-525
Engaging in Speed Contest	$200.00	OMC § 15-526
Following and Backing		
Following to Closely	$170.00	OMC § 15-508
Improper Backing	$170.00	OMC § 15-517
Lane Usage		
Improper Lane Usage	$170.00	OMC § 15-501
Making Unsafe Lane Change	$170.00	OMC § 15-501
Driving Left of Center	$145.00	OMC § 15-502
Improper Passing on Right Side	$170.00	OMC § 15-503
Improper Passing on Left Side	$170.00	OMC § 15-504
Passing when unsafe to do	$170.00	OMC § 15-505
Unauthorized Direction of Travel	$170.00	OMC § 15-507

Wrong way on one way	$170.00	OMC § 15-507
Passing in no Passing Zone	$170.00	OMC § 15-509
Passing in a school zone	$170.00	OMC § 15-513
Passing School Bus loading lights	$170.00	OMC § 15-514
Failure to Signal Intent to Turn	$170.00	OMC § 15-907

Failure to Yield

Failure to Yield to Emergency Vech	$245.00	OMC § 15-212
Failure to Yield to vehicle (Right)	$170.00	OMC § 15-536
Failure to Yield when turning left	$170.00	OMC § 15-537
Failure to Yield (traffic thruway)	$170.00	OMC § 15-539
Failure to Yield (posted stop)	$170.00	OMC § 15-544
Failure to Yield (posted yield)	$170.00	OMC § 15-545
Failure to Yield (private drive)	$170.00	OMC § 15-546
Failure to Yield (to traffic/park)	$170.00	OMC § 15-547
Failure to Yield (alley or dr/way)	$170.00	OMC § 15-548

Traffic Signs

Failure to Stop for Bus	$120.00	OMC § 15-514
Failure to Stop at Stop Sign	$170.00	OMC § 15-544
Failure to Stop at RR Crossing	$170.00	OMC § 15-550
Driving Around Crossing Gate	$170.00	OMC § 15-550
Failure of Required MV to Stop	$170.00	OMC § 15-551
Failure to Obey Traffic Device	$170.00	OMC § 15-603
Failure to Stop for Red Light	$170.00	OMC § 15-604
Failure to Stop for Flashing Red	$170.00	OMC § 15-607

Turns

Failure to Make Required Turn	$145.00	OMC § 15-901
Making Prohibited Turn (posted)	$145.00	OMC § 15-903
Improper U-Turn	$145.00	OMC § 15-904
Turning Vehicle Across Center Line	$145.00	OMC § 15-905
Failure to Signal	$170.00	OMC § 15-907

Driver's License

Violation of License Restriction	$170.00	OMC § 15-215
No Driver's License	$170.00	OMC § 15-215
No Driver's License in possession	$70.00	OMC § 15-215
Driving without proper endorsement	$70.00	OMC § 15-215
Driving Under Suspension (DUS)	$270.00	OMC § 15-216
DUS (subsequent)	$320.00	OMC § 15-216
Allowing unauthorized driver	$270.00	OMC § 15-218

Insurance & Duties At Accidents

Failure to Remain at Accident	$270.00	OMC § 15-219
Failure to Provide information	$270.00	OMC § 15-219
Leaving scene of Fixture Accident	$270.00	OMC § 15-220
Failure to Report Accident	$270.00	OMC § 15-219
Failure to Carry Security Verify	$145.00	OMC § 15-228e
Failure to Maintain Insurance	$270.00	OMC § 15-228
Texting While Driving	$70.00	OMC § 15-229

Equipment

Failure to display Valid Tag	$145.00	OMC § 15-217
Driving Vehicle that is unsafe	$170.00	OMC § 15-302
Improper Equipment	$170.00	OMC § 15-303
Improper Equipment after warning	$220.00	OMC § 15-303
Defective Exhaust	$170.00	OMC § 15-304
Operating Unsafe MV	$150.00	OMC § 15-306
Unlawful Riding Upon Vehicle	$170.00	OMC § 15-532
Failure to use Seat Belt	$20.00	OMC § 15-552
Failure to use Child Restraint	$50.00[1]	OMC § 15-552
Failure to Dim Headlights	$125.00	47 § 12-222
Failure to Pay Taxes due the State	$170.00	47 § 1151

Parking

Unsafe Start from Stop	$170.00	OMC § 15-528
Opening door into traffic	$170.00	OMC § 15-529
Parking in excess of posted time	$120.00	OMC § 15-703
Parking where sign prohibited	$120.00	OMC § 15-703
Parking in excess of 48 hours	$120.00	OMC § 15-704
Failure to Set Brakes	$120.00	OMC § 15-705
Failure to obey angle parking	$120.00	OMC § 15-707
Parking within 90' of hydrant	$170.00	OMC § 15-711
Parking within 20' of crosswalk	$170.00	OMC § 15-711
Parking in front of private drive	$120.00	OMC § 15-711
Parking on sidewalk	$120.00	OMC § 15-711
Parking within intersection	$120.00	OMC § 15-711
Parking in alley leaving less 20'	$120.00	OMC § 15-717
Parking traveled portion of street	$120.00	OMC § 15-719
Double Parking	$120.00	OMC § 15-720
One ton parking in excess of 3 hrs	$120.00	OMC § 15-721
Parking prohibited vehicles	$120.00	OMC § 15-721b

[1] If 1st offense, $15.00 fine if purchase approved child restraint system and show court clerk poof of purchase.

Parking vehicle for sale on road	$120.00	OMC § 15-722
Improper Parking on left side/road	$120.00	OMC § 15-723
Failure to park vehicle right side	$120.00	OMC § 15-723
Negligent Parking	$120.00	OMC § 15-724
Parking in Handicap Space	$270.00	OMC § 15-726

Loads

Operating a MV with unsafe load	$170.00	OMC § 15-302
Operating an overweight load	$195.00	OMC § 15-305
Operating an MV - too long	$170.00	OMC § 15-305
Operating overweight MV	$220.00	OMC § 15-305
Operating MV to high	$195.00	OMC § 15-305
Driver's View Obstructed	$170.00	OMC § 15-305

Motorcycles

Unlawfully carrying passengers	$170.00	OMC § 15-518
Operating w/out required equip	$145.00	OMC § 15-519
Under 18 w/out helmet	$170.00	OMC § 15-519b
Operating with modified exhaust	$120.00	OMC § 15-519c

Bicycles

Bicyclist fails to obey lights	$120.00	OMC § 15-1103
Bicyclist w/out proper lamps	$120.00	OMC § 15-1111

Pedestrians

Failure to yield to pedestrian	$195.00	OMC § 15-1002
Pedestrian's failure to yield	$120.00	OMC § 15-1005
Pedestrian unlawfully cross high	$120.00	OMC § 15-1009

UNIFORM CITATIONS

Alcohol & Drug Violations

Transportation of Open Container	$500.00	OMC § 3-214
Transportation 3.2 beer	$500.00	OMC § 3-111
Drinking nonintox in public place	$170.00	OMC § 3-212
Public Intoxication	$270.00	OMC § 10-801
Drinking Alcohol in public place	$270.00	OMC § 10-801
Possession of Marijuana	$500.00	OMC § 10-804
Possession of Drug Paraphernalia	$500.00	OMC § 10-805
Consuming (inhaling) substances	$500.00	OMC § 10-806
Driving under Influence/Alcohol	$500.00	OMC § 10-807
Driving under Influence/Drugs	$500.00	OMC § 10-807

Actual Physical Control/Al or Drug	$500.00	OMC § 10-807

Crimes Against Public

Assault & Battery on Police Off.	$500.00	21 § 649
Aggravated Assault & Battery	$500.00	21 § 646
Assault	$270.00	OMC § 10-201
Battery	$500.00	OMC § 10-202
Fighting	$270.00	OMC § 10-203
Concealing weapons on pub property	$170.00	OMC § 10-302
Trespassing (private)	$270.00	OMC § 10-303
Trespassing (public)	$270.00	OMC § 10-302
Tampering with Property	$270.00	OMC § 10-304
Petit Larceny	$500.00	OMC § 10-305
Obtaining property by fraud	$500.00	OMC § 10-306
Obtaining property by bogus check	$500.00	OMC § 10-306a
Obtaining Utility Service W/out	$500.00	OMC § 10-307
Disorderly Conduct	$270.00	OMC § 10-501
Disturbing the Peace	$270.00	OMC § 10-501
Failure to Disperse upon command	$270.00	OMC § 10-502
Fighting Words	$270.00	OMC § 10-504
Disturbing by Loud Noise	$170.00	OMC § 10-504
Reporting False Alarms	$270.00	OMC § 10-505
Obstructing an Officer	$500.00	OMC § 10-601
Resisting Arrest	$500.00	OMC § 10-602
Aiding in an escape	$500.00	OMC § 10-603
Escape from Custody	$500.00	OMC § 10-604
Impersonating a police officer	$500.00	OMC § 10-605
Vehicular Trespassing	$170.00	OMC § 10-718

Minors

Contributing to Delinquency/Minor	$500.00	21 § 856
Minor in Possession of Alcohol	$205.00	OMC § 10-802
Furnishing alcohol to minor	$170.00	OMC § 3-207
Curfew - minor	$170.00	OMC § 10-901
Curfew - parent	$170.00	OMC § 10-901
Minor in Possession of Tobacco	$120.00	OMC § 10-1003

Failure to Appear or Obey

Malicious Prosecution	$220.00	OMC § 6-133
Failure to Appear or Obey Promise	$500.00	OMC § 6-134
Failure perform community service	Jail	OMC § 6-137
Failure to comply w/lawful order	$500.00	OMC § 15-204

Code Violations

Accumulation Weeds and Trash	$270.00	OMC § 8-101
Unlawful to deposit rubbish	$220.00	OMC § 8-108
Abandoned refrigerator/appliance	$220.00	OMC § 8-114
Junked motor vehicle	$220.00	OMC § 8-401
Storing/Parked/leaving Junk MV	$220.00	OMC § 8-403
Violation of Building Code	$270.00	Chapter 5 & models
Violation of Zoning Ordinance	$270.00	Chapter 12

Animals

Permitting Animals to Run at large		
First offense	$200.00	OMC § 4-102
Second Offense	$300.00	OMC § 4-102
Third Offense	$400.00	OMC § 4-102
Fourth or more Offenses	$500.00	OMC § 4-102
Unlawful keeping of livestock	$170.00	OMC § 4-104
Permitting Animal to Scatter Trash	$170.00	OMC § 4-105
Maintaining Loud Animal	$170.00	OMC § 4-105
Dog Soiling Prohibited	$100.00	OMC § 4-110
Failure to have animal vaccinated	$170.00	OMC § 4-120
Failure to obtain pet permit	$110.00	OMC § 4-121
Maintaining vicious animal	$270.00	OMC § 4-124
Cruelty to animals	$270.00	OMC § 4-140
Poisoning an animal	$270.00	OMC § 4-141
Keeping wild animal without permit	$170.00	OMC § 4-150
Refusal to Quarantine Animal	$270.00	OMC § 4-175

Weapons

Carrying weapon on posted property	$220.00	OMC § 10-302
Carrying dangerous weapons	$220.00	OMC § 10-701
Reckless conduct with firearm	$220.00	OMC § 10-702
Discharging in City Limits	$220.00	OMC § 10-703

Miscellaneous

Littering	$220.00	OMC § 8-111
Littering from vehicle	$220.00	OMC § 8-112
Licenses Required	$120.00	Chapter 9
Soliciting w/out permit	$220.00	OMC § 9-903
Attempting to commit offense	$220.00	OMC § 10-101
Aiding and Abetting an Offense	$220.00	OMC § 10-102
Indecent exposure	$170.00	OMC § 10-401
Nudity in Public Place	$170.00	OMC § 10-401
Obstruction of business street	$170.00	OMC § 10-503

Obstructing Street/sidewalk	$170.00	OMC § 10-503
Unlawful barricade removal	$220.00	OMC § 10-506
Using Fireworks w/in City	$120.00	OMC § 10-704
Storing Fireworks in City	$120.00	OMC § 10-704
Failure to comply with fireman	$270.00	OMC § 15-204
Unlawfully crossing fire hose	$170.00	OMC § 15-214
Driving thru funeral processions	$170.00	OMC § 15-510
Interfering with Driver's View	$170.00	47 §11-1104

Court costs of Thirty Dollars ($30.00) shall be collected on cases excepting parking, standing and seatbelt violations but not to include violations of children restraint systems.

All traffic violations not otherwise listed shall be bonded for $200.00 and costs.

All Criminal violations not otherwise listed shall be bondable for $500.00 and costs.

In addition to the above mentioned fines and costs, all appropriate state assessments are required to be paid.

The following deferral fees and administrative fees are properly charged in appropriate cases:

The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00). The court shall remit Fifty Dollars ($50.00) of each alcohol fine or deferral fee to a restricted cash account of the City that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. For all offenses which impose a fine of more than Two Hundred Dollars ($200.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the City; effective on and after November 1, 2006, the maximum fine requiring a jury trial if demanded shall be a fine greater than Five Hundred Dollars ($500.00), excluding court costs. Effective September 1, 2011, Twenty Dollars (420.00) of the amount of all non-juvenile fines collected each successive month shall be transferred to a restricted cash account to be used for Police Department training, capital equipment and vehicles.

Note: Fines increase pursuant to Ordinance No. 2011-04 approved on August 9, 2011.

SECTION 1-112 OKLAHOMA TOWN MEETING ACT NOT GOVERNING.

Pursuant to 11 Okla. Stat. § 16-302, the Town of Okeene hereby declares that it shall not be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding initiative and referendum questions.

The Town of Okeene shall hereby elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to Title 11, Section 16-101 et. seq. of the Oklahoma Statutes

SECTION 1-113 ADOPTION BY REFERENCE OF TITLES 21, 37 AND CERTAIN SECTIONS OF TITLE 47 AND TITLE 63 OF THE OKLAHOMA STATUTES, AS AMENDED, AS MUNICIPAL ORDINANCES.

A. Title 21 of the Oklahoma Statutes, as amended, is hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses, and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

B. Title 37 of the Oklahoma Statutes, as amended, is hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses, and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

C. The following sections of Title 47 of the Oklahoma Statutes, as amended, namely, §§ 4-101 et seq., §§ 6-101 et seq., §§ 7-101 et seq., §§ 10-101 et seq., §§ 11-101 et seq., §§ 12-101 et seq., §§ 13-101 et seq., §§ 14-101 et seq. and §§74-1101 et seq.

are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses, and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $200.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

D. The following sections of Title 63 of the Oklahoma Statutes, as amended, namely, §§ 2-402 and 2-405, are hereby adopted and incorporated herein by reference, but only to the extent such sections provide for criminal misdemeanor offenses, and are enforceable by the Town within the Town limits as if set out at length herein. Unless otherwise specifically provided otherwise in this Code, all violations of such sections shall be punishable by a maximum fine of $500.00, plus court costs, fees and state assessments, provided however, if the penalty including costs for the state offense is less than the amount as provided hereinabove, then the fine and costs shall not exceed the amount charged by statute for the same offense.

ARTICLE 2

CORPORATE LIMITS

SECTION 1-201 MAP OF TOWN DESIGNATED AS OFFICIAL MAP.

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of this code.

CHAPTER 2: ADMINISTRATION AND GOVERNMENT

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SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS
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SECTION 2-611 SEARCH FEE
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SECTION 2-613 FEES

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CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

TOWN BOARD OF TRUSTEES

SECTION 2-101 GENERAL POWERS.

A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory town board of trustees form of government. These powers shall be exercised as provided by law applicable to towns under the board of trustees form of government, or, if the manner is not prescribed, then in such manner as the board of trustees may prescribe.

B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees.

State Law Reference: Town form of government, 11 O.S. § 12-101.

SECTION 2-102 BOARD OF TRUSTEES.

A. The board of trustees shall consist of five (5) members who shall be nominated and elected at large without regard to their place of residence within the corporate limits of the town.

B. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The trustee shall serve until his successor is elected and qualified. The terms of the trustees shall be staggered so that at one general municipal election, the following trustees are elected for four-year terms;

Trustee Positions One, Three and Five; and

At the next general municipal election, the following officers are to be elected for four-year terms:

Trustee Position Two and Four.

C. The resolution of the board of trustees calling for a general or special election to fill the office of trustee shall

state the number of four-year terms and the number of unexpired terms, if any, to be filled.

State Law Reference: Governing board, 11 O.S. §§ 12-102, 12-103; Terms of office, 11 O.S. § 8-102; Elections, 11 O.S. § 16-205; Vacancies in office of trustee, 11 O.S. § 8-109; Election of board at large and not by ward, 11 O.S. § 12-102.1.

Note: City Clerk was made appointed and not elected position on August 8, 2006.

SECTION 2-103 MEETINGS OF THE TOWN BOARD.

A. The board of trustees shall meet regularly, on the second Tuesday of each month at 6:00 P.M. and at such times or at such other dates as may be prescribed by trustee action at the town hall. Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting shall be held on the next succeeding day which is not a holiday. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

B. Every meeting of the board of trustees shall be held in the town hall unless, in case of an emergency, the mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designated by the board.

C. Special or Emergency Town Board Meetings may be called by the Mayor, the Town Administrator or/any two (2) trustees of the Town Board, in accordance with the following provisions:

1. Special meetings shall not be held without public notice being given at least forty-eight (48) hours, prior to said meeting. Such public notice of the date, time and place of a special meeting shall be given in writing, in person, or by telephonic means to the clerk.

2. At least twenty-four (24) hours prior to the special meeting, a written public notice of the special meeting shall be prominently posted in the town hall. Such notice shall include the date, time, place, and agenda for the special meeting, and only items appearing on the agenda shall be considered at the meeting. The twenty-four (24) hours prior public posting shall exclude Saturdays, Sundays, and holidays legally declared by the State of Oklahoma.

D. The Mayor, the Town Administrator and/or one (1) trustee of the Town Board shall have the power and are hereby authorized to place any agenda item of business on any regular, special or emergency meeting of the Town Board.

State Law Reference: Meetings of trustees, 11 O.S. § 12-107; Open meeting and notice requirements, 25 O.S. § 301-314.

SECTION 2-104 RULES OF ORDER AND PROCEDURE.

A. The board may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the board may prescribe. Whenever a trustee is absent from more than one-half of all meetings of the board, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

B. The order of business for each meeting of the board may be as posted on the agenda for the meeting.

C. The following rules of procedure shall apply to any regular or special meeting of the board unless two (2) trustees agree to waive the rule or rules:

1. If requested by the mayor or any board member, any motion shall be reduced to writing;

2. A motion to reconsider any of the proceedings of the board shall not be entertained unless it is made by a member who previously voted in the majority;

3. No motion shall be debated or put until it be seconded and stated by the mayor. It is then and not until then in possession of the board and cannot be withdrawn but by leave of the board;

4. A motion to adjourn shall be in order at any time, except as follows:

a. When repeated without intervening business or discussion;

b. When made as an interruption of a member while speaking;

c. When the previous question has been ordered; or

d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:

a. To adjourn;

b. To lay on the table;

c. For the previous question;

d. To postpone to a day certain;

e. To commit;

f. To amend; or

g. To postpone indefinitely,

which several motions shall have precedence in the order they stand arranged;

6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain;

7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it needs but a few and simple amendments, the board shall proceed to consider and amend at once;

8. On an amendment being moved, a member who has spoken on the main question may speak again to the amendment;

9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative to be put; and

10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration.

SECTION 2-105 TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board.

ARTICLE 2

MAYOR

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

A. The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.

B. The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the rights, duties and responsibilities of a trustee, including the right to vote on questions.

C. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

State Law Reference: Election of town mayor, acting mayor, 11 O.S. §§ 12-104, 12-105.

ARTICLE 3

TOWN OFFICERS AND PERSONNEL

SECTION 2-301 TOWN CLERK-ESTABLISHED.

The Town Clerk shall be an officer of the Town, appointed by the Town Administrator and shall:

A. Keep the journal of the proceedings of the Mayor and Town Board of Trustees.

B. Enroll all ordinance and resolutions passed by the Mayor and Board of Trustees in a book or set of books kept for that purpose.

C. Have custody of documents, records, and archives, as may be provided for by law or ordinance, and have custody of the Town Seal.

D. Attest and affix the seal of the Town to documents as required by law or by ordinance.

E. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as Town Clerk may be employed by the Town to perform duties not related to his position as Town Clerk.

The compensation of the Town Clerk shall be $200.00 per month.

SECTION 2-302 TOWN TREASURER-ESTABLISHED

The Town Treasurer shall be an officer of the Town, appointed by the Town Administrator and shall:

A. Review accounts and books to show where and from what source all monies paid to him/her have been derived and to whom and when any monies have been paid; Monthly prepare the sales tax report for the Board's review; and

B. Prepare and/or review, as directed, all detailed financial statements that may be required by the Mayor and Town Board of Trustees.

C. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as Town Treasurer may be employed by the Town to perform duties not related to his position as Town Treasurer.

The books and accounts of the Town Treasurer shall be subject at all times to examination by the Mayor and Board of Trustees.

The compensation of the Town Treasurer shall be $200.00 per month.

SECTION 2-303 POLICE DEPARTMENT; CHIEF OF POLICE

A. There is hereby created a Police Department for the Town, the head of which shall be the Chief of Police. The Chief of Police shall be appointed by the Town Administrator.

B. Within the constraints of the budget, one (1) or more police officers, including reserve police officers, may be appointed by the Town Administrator, upon the recommendation of the Police Chief.

Note: Ordinance No. 2008-04 makes Police Chief and officers appointed by Town Administrator rather than Town Board of Trustees was adopted; adopted May 20, 2008.

SECTION 2-304 BUILDING INSPECTOR

There is hereby created the position of Building Inspector for the Town. The Building Inspector shall be appointed by the Town Administrator.

SECTION 2-305 OTHER PERSONNEL; APPOINTMENTS AND REMOVALS

A. Town Board of Trustees shall appoint the following persons on the basis of fitness and merit and may determine their compensation and terms of employment by contract, motion or resolution:

Town Administrator
Town Attorney
Town Auditor
Chief Financial Officer
Other Employees, if any, whose appointment is given by law or ordinance to the Town Board of Trustees

B. Except as otherwise provided by law or ordinance, employment of all other employees and personnel shall be the responsibility of the Town Administrator. Such employees and personnel shall serve at the pleasure (at-will) of the Town Administrator for the good of the service.

C. All appointive officers, personnel and employees' employment is at-will and except as otherwise provided by law or ordinance, such appointive officers, personnel and employees' serve at the pleasure of their appointive authority. No appointive officer or employee shall have any right to employment, contractual

or otherwise, or any property or liberty interest in their continued employment.

D. The Town Board of Trustees may remove, demote, suspend and layoff their employees and personnel solely for the good of the service and as they may determine desirable by motion or resolution.

SECTION 2-306 TOWN ADMINISTRATOR

A. The position of Town Administrator is hereby created.

B. The Town Administrator shall perform prescribed duties, discharge responsibilities and exercise jurisdiction in the performance of employees and the operation of the Town as directed by the Board of Trustees. The Board of Trustees reserves the right to alter, modify, delete or add additional duties as they deem necessary for the benefit of the Town.

C. The Town Administrator shall serve as the executive officer and head of the administrative branch of the Town Government. The Town Administrator shall be an employee of the Town. The Town Administrator's employment shall be governed by the terms and conditions of a contract of employment. The compensation and benefits of the Town Administrator shall be fixed by the Board of Trustees as the Town's Budget may dictate. He shall execute the laws and administer the government of the Town and be responsible therefore to the Mayor and Board of Trustees. The Town Administrator shall have the power and duty:

1. To appoint, and when necessary for the good of the service, remove, demote, lay off, or suspend all employees whose appointment has not been reserved to the Town Board of Trustees.

2. To assist the Town Board of Trustees in the making of policies, through preliminary planning, recommendation, technical assistance, reporting and providing information.

3. To plan how the policies adopted by the Town Board of Trustees, or the people may best be administered and executed, and to organize the administrative personnel and the physical facilities of the Town to carry out the policies.

4. To direct, supervise and coordinate all departments and employees of the Town, including the employees listed in Section 2-305 hereinabove.

5. To see that proper records (financial and other) are kept, and to keep the Town Board of Trustees informed by making reports and otherwise.

6. To perform the following miscellaneous administrative powers and duties:

a. To see that the laws, ordinances and other policies of the Town are properly administered and executed.

b. To prepare a budget annually and submit it to the Town Board of Trustees, be responsible for the administration of the budget after it goes into effect, and recommend to the Town Board any changes in the budget deemed desirable.

c. To submit to the Town Board of Trustees a report as of the end of the fiscal year on the finances and administrative activities of the Town for the preceding year.

d. To make interpretations necessary to resolve any ambiguity or conflict in the language of the Personnel Manual. The Town Administrator's interpretation shall be final in all matters regarding the application of the Personnel Manual.

e. Keep the Town advised of the financial condition and future needs of the Town and make recommendations as deemed advisable.

f. To perform such other duties as may be directed by the Town Board of Trustees by motion, resolution or ordinance.

SECTION 2-307 TOWN ATTORNEY, APPOINTMENT AND DUTIES.

The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser of the board, all officers, departments and agencies of the town government in matters relating to their official powers and duties. He shall represent the town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance.

SECTION 2-308 HEALTH OFFICER.

The board of trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer.

SECTION 2-309 PERSONNEL MANUAL ADOPTED

A. There is hereby created a Personnel Manual for the employees of the Town of Okeene, which Personnel Manual is adopted as of the 10th day of June 2008, or as such Manual may be hereinafter amended. The Personnel Manual sets out guidelines which may be used in implementing the personnel policies, employee benefit programs and wage plans of the Town of Okeene. The Personnel Manual establishes no property or contract rights or liberty interests in continued employment, wages or benefits or any other matter for employees of the Town. Except as otherwise provided by state law, all employees of the Town of Okeene shall serve at the will of their appointing authority and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. Appointments and promotions shall be made solely on the basis of merit and fitness.

SECTION 2-310 BONDS.

The town clerk and town treasurer shall give bonds for the faithful performance of duties in the amount of $5,000.00 or such greater amount as may be required by the board of trustees. Any other officers and employees which the town board may designate by ordinance or otherwise, shall give bond for the faithful performance of duties in such amount and form as the board shall prescribe. The town shall pay the premiums on such bonds. The town may require the officer to secure the bond within ten (10) days after his election or appointment.

State Law Reference: Officer's bonds, 11 O.S. § 8-105.

SECTION 2-311 SALARIES

The compensation of all elective town officers, including the following, shall be fixed by ordinances:

1. Mayor - $200.00 per month;

2. Trustee - $125.00 per month.

The pay period for the Board of Trustees of the Town of Okeene, Oklahoma shall be monthly, payable on or after the monthly regular meeting of the town board. The trustees whose terms begin on or after April 15, 1991, shall be paid compensation for out of pocket expenses during the performance of their duties.

State Law Reference: Compensation of town elected officers, 11 O.S. § 12-113; Increasing salary during term, Oklahoma Constitution, Art. 23, § 10.

SECTION 2-312 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL.

A. The compensation of all other officers and employees excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.

B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

SECTION 2-313 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.

In no case shall the salary or emoluments of any town officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the Constitution, Article 23, Section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

SECTION 2-314 OATHS.

A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.

B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

SECTION 2-315 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY.

Every officer who is elected or appointed for a definite term, shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal matter.

SECTION 2-316 APPOINTMENT OF PERSONNEL IN EMERGENCIES.

The Mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of an emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of the emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affect the health, safety or welfare of the citizens of the town.

ARTICLE 4

SOCIAL SECURITY

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE.

It is hereby declared to be the policy and purpose of the town to extend, at the earliest date, to the eligible employees and officials of the town the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In the pursuance of this policy, the officers and employees of the town shall take such action as may be required by applicable state or federal laws or regulations.

State Law Reference: Social security coverage for local governments, 51 O.S. § 125.

SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY.

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human

Services to accomplish the provisions of Section 2-401 of this code.

SECTION 2-403 WITHHOLDINGS.

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations and shall be paid over to the state or federal agency designated by the laws and regulations.

SECTION 2-404 CONTRIBUTIONS.

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations.

SECTION 2-405 RECORDS AND REPORTS.

The town shall keep such records and submit such reports as may be required by applicable state of federal laws or regulations.

SECTION 2-406 EXCLUSIONS.

Excluded from this chapter authorizing the extension of social security benefits to town officers and employees are the following:

1. Any authority to make any agreement with respect to any position, employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town; or

2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations; or

3. Firemen and call-firemen.

SECTION 2-407 POLICE INCLUDED.

All police personnel of the town shall hereafter be covered by the social security program along with personnel already covered by the program, and proper deductions from police payrolls shall

hereafter be made in order to comply with social security laws and regulations.

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1

FIRE PENSION SYSTEM

SECTION 2-501 LOCAL FIRE PENSION AND RETIREMENT BOARD.

There is hereby created a local firefighters' pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.

The town's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system.

State Law Reference: Firefighters' retirement and pension law, 11 O.S. §§ 49-101 et seq.

SECTION 2-503 CONTRIBUTIONS TO FUND.

A. For each volunteer member of the fire department, the Town treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

B. All assets of the town firefighters' pension and retirement fund shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

State Law Reference: Firefighters pension law, 11 O.S. § 49-122.

Cross Reference: Fire department and services, Section 13-101 of this code.

DIVISION 2

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-510 EMPLOYEE RETIREMENT SYSTEM CREATED.

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of town employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of the date indicated on such original document, on file in the office of the town clerk, the funded pension plan designated "Employee Retirement System, Defined Benefit Plan of Okeene, Oklahoma" and Employee Retirement System, City Manager Defined Benefit Plan of Okeene, Oklahoma (hereinafter called "system"), and as amended from time to time, an executed counterpart of which is marked "Exhibit A" to ordinance adopting and amending same.

Note: Exhibit A is on file in the town clerk's office and is subject to public inspection. The system was recently amended by Ordinance Nos. 2003-1, 2003-2, 2006-20, 2007-04, 2007-05 and Ordinance No. 2014-07. And Ordinance No. 2015-3 providing for the Defined Contribution Plan for the position of City Manager (Town Administrator) for the Town of Okeene, Oklahoma, which ordinance is adopted by reference as if fully set out.

State Law Reference: Authority of town to establish retirement systems, procedure, 11 O.S. § 48-101 et seq.

SECTION 2-511 ADMINISTRATION.

For the purpose of administration of the system there is hereby established a board of trustees, which shall be the members of the Board of Trustees of the town as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the board of trustees shall be set forth in the system instrument marked "Exhibit A" as mentioned in Section 2-510.

SECTION 2-512 FUND.

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in

trust for such purpose by the town treasurer, who shall be the treasurer of the system. Such funds shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the trustess as soon as feasible. The town treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the board of trustees. The fund shall be nonfiscal. The fund and system shall be valued each year for actuarial soundness by a qualified actuarial firm.

SECTION 2-513 APPROPRIATIONS.

The town is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the town is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective annual actuarial valuation. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries and/or the payment of necessary expenses of operation and administration, including separate annual appropriations to be transferred to the Oklahoma Municipal Retirement Plan.

SECTION 2-514 EXECUTION.

A. The mayor and the town clerk are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the original system instrument, and all amendments thereto, and to do all other acts and things necessary, advisable and proper to put the system and amendments and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Section 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as Exhibit A, which has been duly executed as aforesaid simultaneously with the passage of this chapter is hereby ratified and confirmed in all respects.

B. This board of trustess hereby agrees to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment according to the terms of the trust indenture of the Oklahoma Municipal Retirement Fund,

a public trust. The board of trustees shall manifest approval of such contract and the execution thereof by the mayor and town clerk by a formal resolution.

SECTION 2-515 CONFLICTING LAWS.

Any ordinance inconsistent with the terms and provisions of this chapter is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this chapter shall be cumulative of other ordinances regulating and governing subject matter covered by this chapter.

ARTICLE 6

TOWN RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS.

The following town officials are hereby appointed as official custodians for purposes of the Oklahoma Open Records Act and are charged with responsibility for compliance with that act with respect to the following listed public records:

1. Town clerk. All public records kept and maintained in the town and court clerk's office and all other public records not provided for elsewhere in this chapter;

2. Town treasurer. All public records not on file in the office of the town clerk and kept and maintained in the town treasurer's office;

3. Chief of police. All public records not on file in the office of the town clerk and kept and maintained in the town police department;

4. Fire chief. All public records not on file in the office of the town clerk and kept and maintained in the town fire department;

5. Town attorney. All public records not on file in the office of the town clerk and kept and maintained in the town attorney's office;

6. Court clerk. All public records not on file in the office of the town clerk and kept and maintained in the municipal court.

State Law Reference: Open Records Act, 51 O.S. §§ 24A.1 to 24A.18.

SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. Each of the official custodians appointed in Section 2-601 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

B. Whenever an official custodian shall appoint another person as a record custodian, he or she shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

SECTION 2-603 DUTIES OF CUSTODIANS.

All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this town for inspecting and copying open public records.

SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS.

A. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for maintenance of the record sought to be inspected or copied.

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;

2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;

3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;

4. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records;

5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;

6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;

7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or Town clerk;

8. The record custodian or town clerk shall demand full or partial prepayment of the fees when the estimate for such fees exceeds the amount set out in Section 2-612 of this code;

9. No record search or copying charge shall be assessed against officers or employees of the town who make requests which

are reasonably necessary to the performance of their official duties;

10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;

11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and

12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

SECTION 2-606 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.

2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;

3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and

4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the mayor.

SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;

2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodians;

3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanical reproducing the subject record is likely to cause damage to such record; and

4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

SECTION 2-608 NO FEE FOR INSPECTION.

Where a request has been made for the inspection of an open public record, no fee shall be charged.

SECTION 2-609 COPYING FEE.

A fee per page as set by Fee Schedule shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.

SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION.

For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials and equipment.

SECTION 2-611 SEARCH FEE.

The fee provided in Fee Schedule shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be charged to recover the direct cost of document search.

SECTION 2-612 PREPAYMENT OF FEES.

A record custodian may demand prepayment of a fee. The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to

producing the requested record or delivering the copy or mechanical reproduction of the record.

SECTION 2-613 FEES.

Fees shall be charged for copies and services rendered hereunder pursuant to the town's fee schedule.

ARTICLE 7

CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

Section 2-701 CAPITAL IMPROVEMENTS PLANNING COMMITTEE; FUNCTIONS AND DUTIES

A. There is hereby created a Local Capital Improvements Planning Committee, (hereinafter the "Committee"), for the Town of Okeene, in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (62 O.S., 1992 Supplement, Section 901, et seq., hereinafter the "Act").

B. The Committee shall consist of at least three (3) but not more than ten (10) voting members, to be appointed by the Mayor and Town Board of Trustees. All members must be residents of the Town, and shall serve without salary.

C. The terms and removal procedure for the members of the Committee shall be the same as for the members of the planning commission.

D. The Committee has the general responsibility to assist the Town in planning for the future development, growth and improvement of the Town of Okeene, Oklahoma, and in preparing, adopting, implementing and annually amending the Local Capital Improvements Plan, (hereinafter the "Plan"), and its related programs, consistent with the goals, guidelines and other provisions of the Act.

E. The Committee shall also:

1. Prepare the Town's Plan;

2. Make recommendations to the Mayor and Town Board of Trustees regarding the adoption of the Plan;

3. Serve in an ongoing advisory capacity to the Mayor and Town Board of Trustees regarding implementation of the Plan,

particularly in the Annual Update phase of the planning of the process;

4. Conduct public hearings and solicit and encourage participation, as required by and in accordance with, applicable provisions of the Act;

5. Take such other actions as may be necessary to carry out the Town's Capital Improvements Planning process, consistent with local ordinances and policy and State Law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the Capital Improvements Planning process; and

6. Maintain a working relationship with Northern Oklahoma Development Authority (hereinafter "NODA") in order to ensure that the statutory requirements for integrating the Town's Plan into the NODA Regional Capital Improvement Plan, are fully met each year to the benefit of the Town and the State of Oklahoma.

CHAPTER 3: ALCOHOLIC BEVERAGES

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ALCOHOLIC BEVERAGES AND TAX

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NONINTOXICATING BEVERAGES

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CHAPTER 3: ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

Section 3-101 DEFINITIONS AND INTERPRETATIONS.

Word, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, Sections 501 to 566 of Title 37 of the Oklahoma Statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or constructions.

Section 3-102 OCCUPATION TAX LEVIED.

A. An annual occupation tax may be levied on persons engaging in the following businesses or occupations within the Town in such amounts as are established from time to time in the Town's fee schedule.

B. The occupation tax for those service organizations which are exempt under Section 501(c)(19) of the Internal Revenue Code for bottle club license shall be Five Hundred Dollars ($500.00) per year.

C. If a brewer or a Class B wholesaler also holds a license from the state to manufacture or wholesale any nonintoxicating malt beverage then the occupation tax for such brewer or Class B wholesaler shall be reduced by seventy-five percent (75%).

Section 3-103 PAYMENT REQUIRED; PENALTY.

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the Town clerk on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of July.

B. The occupation tax subject to this chapter shall be prorated on a monthly basis for the year in which an occupation begins operations. Taxes paid on or before the 15th day of any month shall be on the basis of the first day of the month; taxes

paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

C. Upon payment of the occupation tax, the Town clerk shall issue a receipt to the state licensee, which the licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

D. Any person who engages in any of the occupations taxed by this chapter without paying the occupation tax imposed therefore in advance of such operation, is guilty of an offense against the Town and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

Section 3-104 ANNUAL REPORT.

The Town clerk shall make an annual report to the Alcoholic Beverage Laws Enforcement (ABLE) Commission, covering the fiscal year, showing the number of licensees subject to the occupation tax and the amount of money collected from the tax.

Section 3-105 APPLICATION FOR CERTIFICATE; INVESTIGATIONS.

A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the Town required by Title 37 of the Oklahoma Statutes shall apply at the office of the clerk by:

1. Filing a written application on forms prescribed by that office; and

2. Paying a verification and certification fee in such amount as set by the Board at the time of filing;

B. Upon receipt of an application for a certificate of compliance the Town Administrator shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.

C. The Town Administrator shall act in all such applications within twenty (20) days of receipt thereof.

Section 3-106 ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE.

A. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE Commission.

B. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a certificate of compliance shall be issued to the ABLE Commission.

C. The above certificates of compliance shall be signed by the mayor or by the Town clerk.

D. A conditional certificate may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate shall indicate that the proposed premises will comply with Town zoning, fire, safety and health codes. A certificate in accordance with Subsections A and B of this Section shall be issued within ten (10) days after all final inspections are complete. The granting of conditional certificates shall not relieve the applicant of the duty of obtaining the certificates required by Sections 3-105 and 3-106 after completion of the construction, modification, or alteration.

E. The Town shall issue the certificates required by Sections 3-105 and 3-106 within ten (10) days after all final inspections are completed. Thereafter if a licensee fails to maintain compliance with municipal or county zoning ordinances and codes, the Mayor shall forthwith notify the ABLE Commission in writing setting forth details of the noncompliance.

Section 3-107 RETAIL PACKAGE STORES; LOCATION.

A. No retail package store or any other business licensed by this chapter shall be located or operated at any place except at locations permitted by the Town's zoning or planning laws.

B. Location of mixed beverage establishment, beer and wine establishment, or bottle club.

1. It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the Alcoholic Beverage Laws Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages

for consumption on the premises, or retail package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this Section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club, or retail package store which has been licensed to sell alcoholic beverages. The provisions of this Section shall not apply to mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been licensed to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed. If any school or church shall be established within three hundred (300) feet of any retail package store, mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this Section after such retail package store, mixed beverage establishment, beer and wine establishment, or bottle club has been licensed, the provisions of this Section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days. When any mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this Section which has a license to sell alcoholic beverages for on-premises consumption or retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this Section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

2. Any interested party may protest the application for or granting of a license for a retail package store, or for a mixed beverage establishment, beer and wine establishment, or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, based on an alleged violation of this Section. To be considered by the ABLE Commission, the protest must:

a. be submitted in writing,

b. be signed by the person protesting,

c. contain the mailing address and address of residence, if different from the mailing address of the protester,

d. contain the title of the person signing the protest, if the person is acting in an official capacity as a church or school official, and

e. contain a concise statement explaining why the application is being protested.

3. Within thirty (30) days of the date of receipt of a written protest, the ABLE Commission shall conduct a hearing on the protest if the protest meets the requirements of paragraph 1 of this subsection.

4. As used in this subsection, "interested party" means:

a. a parent or legal guardian whose child or children attend the church or school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this Section,

b. an official of a church which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this Section, or

c. an official of a school which is alleged to be closer to the mixed beverage establishment or bottle club which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, than is allowed by this Section.

State Law Reference: Similar provisions, 37 O.S. Section *37-518.3*.

Section 3-108 CONDITION OF SALE.

A. No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage store other than:

1. In retail containers;

2. At ordinary room temperatures;

3. In the original package; and

4. For consumption off the premises.

B. No person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer, or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store.

Section 3-109 CONSUMPTION PROHIBITED

No person shall drink or consume in any manner any alcoholic beverage on the premises of a retail alcoholic beverage package store; neither shall a person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail beverage store.

State Law Reference: Similar provisions, 37 O.S. Section 518.2.

Section 3-110 PROHIBITED SALES, POSSESSION BY MINORS.

A. No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the Town limits of the Town to any person who is a minor. Neither shall any minor misrepresent his age verbally or in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.

B. It shall be unlawful for any person under the age of twenty-one (21) years to consume or possess with intent to consume any alcoholic beverage.

C. No person shall sell, deliver or knowingly furnish alcoholic beverage or beverages within the Town to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

Note: Subsection B was amended by Ordinance No. 2007-1 approved on January 11, 2007.

Section 3-111 TRANSPORTING BEVERAGES.

It is unlawful to transport any alcoholic beverage, unless the same is:

1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or

2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of the vehicle.

Section 3-112 PROHIBITED EMPLOYMENT, MINORS NOT TO ENTER.

No minor shall be employed in the selling, manufacture, distribution or other handling of alcoholic beverages at any place within the Town. No person shall employee or assist or aid in causing the employment of any minor at any place within the Town in the selling, manufacture, distribution or other handling of alcoholic beverages. No minor shall be permitted to remain within or to loiter about the premises of a retail alcoholic beverage store. Violation of this provision shall subject the owner or proprietor, as well as the underage person, to prosecution.

Section 3-113 DATES, HOURS ON WHICH SALE PROHIBITED.

A. No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined herein, to any person at a retail alcoholic beverage store in the Town on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, run off primary or special election, whether national, state, county, or Town, or any other day except between the hours of 10:00 a.m. and 9:00 p.m.

B. No wholesale dealer in alcoholic beverages, and officer, agent or employee of such a dealer shall sell or deliver to any retail alcoholic beverage store within the Town any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veteran's Day, on Thanksgiving Day, on Christmas Day, or, while the polls are open on the day of any general, primary, run off primary, or special election, whether national, state, county or Town.

Section 3-114 SEPARATE PREMISES REQUIRED.

A. No person shall maintain, operate, or assist, in any manner, the maintenance or operation of a retail alcoholic beverage store or package store in premises which are not separated from adjoining premises on which any other goods, wares, or merchandise are sold or services are rendered by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted.

B. No person shall take any alcoholic beverage through any passageway described in this Section, for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

Section 3-115 CONSUMPTION AND INTOXICATION IN A PUBLIC PLACE.

No person within this Town shall drink intoxicating liquor or alcoholic beverage in any public place, nor shall any person be intoxicated in a public place within this Town, nor shall any owner, operator or manager of any business or public place to which the public is generally invited allow an intoxicated person to remain in or upon the premises.

Section 3-116 PROCEDURE FOR SUSPENSION AND REVOCATION OF LICENSE BY TOWN

The Town, as to any mixed beverage, beer and wine, caterer, or bottle club licensee having its principal place of business in such municipality, may initiate a license suspension or revocation proceeding as to such licensee by filing a written complaint with the ABLE Commission, setting forth the grounds for the proposed suspension or revocation. Such complaint may be based on any ground that the ABLE Commission might have asserted. Upon receipt of such complaint, the ABLE Commission shall forward a copy of the complaint to the licensee together with written notice of the time and place of hearing thereon. If the complaint is filed by the Town, the hearing shall be conducted within the corporate limits of said municipality. The hearing shall be held within the time limits, and in the manner, prescribed for suspension or revocation proceedings initiated by the ABLE Commission. In any proceeding initiated pursuant to this Section, the Town shall be deemed an interested party, shall have the right to be heard and to present evidence at the hearing on the complaint, and shall be entitled to appeal from any final order entered by the ABLE Commission in the manner otherwise provided in the Oklahoma Alcoholic Beverage Control Act. The Town shall not be required to give bond on appeal.

Section 3-117 PROHIBITIONS

A. No person shall:

1. Knowingly sell, deliver, or furnish alcoholic beverages to any person under any twenty-one (21) years of age;

2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

3. Open a retail container or consume alcoholic beverages on the premises of a retail package store;

4. Import into this state, except as provided for in the Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages; provided, that nothing herein shall prohibit the importation or possession for personal use of not more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax is delinquent;

5. Receive, possess, or use any alcoholic beverage in violation of the provisions of the Oklahoma Alcoholic Beverage Control Act;

6. Transport into, within, or through this state more than one (1) liter of alcoholic beverages upon which the Oklahoma excise tax has not been paid unless the person accompanying or in charge of the vehicle transporting same shall possess a true copy of a bill of lading, invoice, manifest or other document particularly identifying the alcoholic beverages being transported and showing the name and address of the consignor and consignee;

7. Knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion;

8. Drink intoxicating liquor in public except on the premises of a licensee of the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place;

9. Forcibly resist lawful arrest, or by physical contact interfere with an investigation of any infringement of the Oklahoma Alcoholic Beverage Control Act or with any lawful search or seizure being made by an inspector or agent of the ABLE Commission, when such person knows or should know that such acts are being performed

by a state, county, or municipal officer, inspector or agent of the ABLE Commission;

10. Manufacture, duplicate, counterfeit or in any way imitate any bottle club membership card required to be issued by the ABLE Commission without the permission of the Commission;

11. Consume or possess alcoholic beverages on the licensed premises of a bottle club unless such person possesses a valid membership card for that club issued by the club; or

12. Knowingly possess any bottle club membership card required to be issued by the ABLE Commission, which has been manufactured, counterfeited, imitated or in any way duplicated without the permission of the Commission.

B. No licensee of the ABLE Commission shall:

1. Receive, possess, or sell any alcoholic beverage except as authorized by the Oklahoma Alcoholic Beverage Control Act and by the license or permit which the licensee holds;

2. Employ any person under the age of twenty-one (21) in the selling or handling of alcoholic beverages. Provided, that a mixed beverage, beer and wine, caterer, special event or bottle club licensee may employ servers who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and a mixed beverage, beer and wine, caterer, special event or bottle club licensee may employ or hire musical bands who have musicians who are under twenty-one (21) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any ABLE Commission officer or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas;

3. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition;

4. Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages including:

a. deliver more than two drinks to one person at one time;

b. sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;

c. sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

d. sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;

e. increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or

f. encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes. Provided that the provisions of this paragraph shall not prohibit the advertising or offering of food or entertainment in licensed establishments;

5. Permit or allow any patron or person to exit the licensed premises with an open container of any alcoholic beverage. Provided, that this prohibition shall not be applicable to closed original containers of alcoholic beverages which are carried from the licensed premises of a bottle club by a patron, closed original wine containers removed from the premises of restaurants, hotels, and motels, or to closed original containers of alcoholic beverages transported to and from the place of business of a licensed caterer by the caterer or an employee of the caterer; or

6. Serve or sell alcoholic beverages with an expired license issued by the ABLE Commission.

C. No package store licensee shall:

1. Purchase or receive any alcoholic beverage other than from a person holding a brewer, wholesaler or Class B wholesaler license issued pursuant to the Oklahoma Alcoholic Beverage Control Act;

2. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed, on the licensed premises;

3. Sell, or keep package store premises open for the purpose of selling, any alcoholic beverages at any hour other than between the hours of 10:00 a.m. and 9:00 p.m. Monday through Saturday; provided, that no such sales shall be made, or package store premises be allowed to remain open for the purpose of making such sales, on the day of any General, Primary, Runoff Primary or Special Election while the polls are open whether on a national, state, county or Town election or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day;

4. Operate a retail package store unless such store shall be located in a city or town having a population in excess of two hundred (200) according to the latest Federal Decennial Census;

5. Sell any alcoholic beverage on credit; provided that acceptance by a retail liquor store of a cash or debit card, or a nationally recognized credit card, in lieu of actual cash payment does not constitute the extension of credit; provided further, as used in this Section:

a. "cash or debit card" means any instrument or device whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility,

b. "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over one hundred (100) merchants;

6. Offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverage, except that goods or merchandise included by the manufacturer in packaging with alcoholic beverages or for packaging with alcoholic beverages shall not be included in this prohibition, but no wholesaler or package store shall sell any alcoholic beverage prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold;

7. Permit any person under twenty-one (21) years of age to enter into, remain within or loiter about the licensed premises; or

8. Pay for alcoholic beverages by a check or draft which is dishonored by the drawee when presented to such drawee for payment; and the ABLE Commission may cancel or suspend the license of any retailer who has given a check or draft, as maker or endorser, which is so dishonored upon presentation.

D. No wholesaler licensee shall:

1. Sell or deliver any amount of spirits or wines to any package store licensee on Saturday or Sunday; or

2. Sell or deliver any amount of spirits or wines to any package store licensee on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.

E. No mixed beverage or beer and wine licensee shall:

1. Purchase or receive any alcoholic beverage other than from a person holding a wholesaler or Class B wholesaler license issued pursuant to the Oklahoma Alcoholic Beverage Control Act; provided, a mixed beverage or beer and wine licensee whose premises are a restaurant may purchase wine produced at wineries in this state directly from an Oklahoma winemaker as provided in Section 3 of Article XXVIII of the Oklahoma Constitution;

2. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by the ABLE Commission;

3. Use or allow the use of any mark or label on a container of alcoholic beverage which is kept for sale which does not clearly and precisely indicate the nature of the contents or which might deceive or conceal the nature, composition, quantity, age or quality of such beverage;

4. Keep or knowingly permit any alcoholic beverage to be kept, brought or consumed on the licensed premises which is not allowed to be sold or served upon such premises; or

5. Allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the licensed premises, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of this Section when the band is to perform within such area.

F. No bottle club licensee shall:

1. Use or allow the use of any mark or label on a container of alcoholic beverage which does not clearly and precisely indicate the nature of the contents or which might deceive or conceal the nature, composition, quantity, age or quality of any such beverage;

2. Act as an agent for any bottle club member and purchase any alcoholic beverage for the member;

3. Use or allow the use of any pool system of storage or purchase of alcoholic beverages;

4. Allow any person to enter or remain in the designated bar or lounge area of the club unless that person possesses a valid membership card for that club issued by the club;

5. Sell any alcoholic beverage;

6. Deliver or furnish to any club member any alcoholic beverage that does not belong to the member;

7. Serve alcoholic beverages to any person who does not possess a valid membership card for that club issued by the club;

8. Issue a membership card for the club to a person under twenty-one (21) years of age; or

9. Allow any person under twenty-one (21) years of age to enter into, remain within or loiter about the designated bar area of the licensed premises, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of this Section when the band is to perform within such area.

G. No special event or caterer licensee shall:

1. Purchase or receive any alcoholic beverage other than from a person holding a wholesaler or Class B wholesaler license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act; provided, a special event or caterer licensee may purchase wine produced at wineries in this state directly from an Oklahoma winemaker as provided in Section 3 of Article XXVIII of the Oklahoma Constitution; or

2. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by the ABLE Commission.

ARTICLE 2

NONINTOXICATING BEVERAGES

Section 3-201 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Minor" means a person who has not yet attained the age at which a person is permitted to consume nonintoxicating beverages under state law;

2. "Nonintoxicating beverages mean all beverages containing more than one-half of one percent (½ of 1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight; the same is hereby declared and sometimes referred to as low-point beer. Wherever the term "nonintoxicating beverage" or "nonintoxicating malt beverage" appears in the Oklahoma Statutes, such term shall be construed to mean low-point beer.

3. "Retail dealer" means and includes any person who sells any low-point beer, as defined herein, at retail for consumption or use, and such definitions include state and county fair associations, and special licenses may be issued for the sale of low-point beer, as herein defined, by such associations, and to other persons for the sale of such low-point beer at rodeos, picnics, or other organized temporary assemblages of people. The term "retail dealer" also includes railways for the sale of such beverages, and licenses may be issued for each dining car or railway train, which railways and dining cars shall pay the same license fees as regular retail dealers.

State Law Reference: See 37 O.S. Section 163.1 et seq. for regulations on nonintoxicating beverages.

Section 3-202 LICENSE FEE LEVIED.

A. There is hereby levied an annual occupation tax upon each retail dealer in nonintoxicating beverages for consumption on or off the premises and for sale of nonintoxicating beverages which are in original packages and are not for consumption on the premises, all as established in the Town's fee schedule.

B. All such municipal license fee taxes shall be paid to the Town clerk at the time of issuance of license and in the manner prescribed herein.

C. All license fees levied under the provisions of this chapter shall expire annually. The amount of any license fee levied shall be computed pro rata from the months remaining in the year. Such fees paid on or before the 15th day of any month shall be on the basis of the first day of the month and such fees paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

State Law Reference: State license requirements, cities not to levy more than state license 37 O.S. Section 163.7.

Cross Reference: See also Section 3-102 for retail package stores.

Section 3-203 LICENSE REQUIRED.

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute, or dispense any nonintoxicating beverages without having first received a municipal license as herein required.

Section 3-204 COMPLIANCE WITH LAW; EXPIRATION OF LICENSE.

No municipal license shall be issued to any retail dealer by the Town clerk without a satisfactory showing that the applicant has obtained all state and county permits required by law, and has in all other respects complied with the state and local alcoholic beverage control requirements. No license shall be transferable.

Section 3-205 REVOCATION OF LICENSE.

The Town Board shall have power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder.

Section 3-206 PROHIBITED LOCATION.

It shall be unlawful for any place which has received a permit or which has been licensed to sell nonintoxicating beverage and which has as its main purpose the selling or serving of nonintoxicating beverage for consumption on the premises to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this Section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such place which has received a permit or which

has been licensed to sell nonintoxicating beverage. The provisions of this Section shall not apply to places which have received a permit or which have been licensed to sell nonintoxicating beverage for on-premises consumption prior to the effective date of this Section. If any school or church shall be established within three hundred (300) feet of place subject to the provisions of this Section after such place has received a permit or been licensed, the provisions of this Section shall not be a deterrent to the renewal of such permit or license if there has not been a lapse of more than sixty (60) days. When any place subject to the provisions of this Section which has a permit or license to sell nonintoxicating beverage for on-premises consumption changes ownership or the operator thereof is changed, and such change results in the same type of business being conducted on the premises, the provisions of this Section shall not be a deterrent to the issuance of a license or permit to the new owner or operator if he or she is otherwise qualified.

Section 3-207 SALE AND PURCHASE TO OR BY MINORS.

It is unlawful for any person, firm or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any nonintoxicating beverage; or for any minor to purchase, receive or procure any nonintoxicating beverage.

Section 3-208 PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED.

A. It shall be unlawful for any person under eighteen (18) years of age to be employed or permitted to work, in any capacity whatsoever, in a place where low-point beer is sold or dispensed for consumption on the premises.

B. It shall be unlawful for any person under the age of majority to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises from the provisions of this subsection.

C. A parent as regards the employment of his or her own child or children is excepted from the provisions of this Section,

provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

D. The provisions of subsection A of this Section shall not apply to any business or establishment where sales of said beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment.

State Law Reference: Similar provisions, 37 O.S. Section 243.

Section 3-209 MINORS; POSSESSION OF NONINTOXICATING BEVERAGES PROHIBITED.

It is unlawful and an offense for any minor to consume or possess with intent to consume any nonintoxicating beverage or low-point beer as defined by state statute.

Note: This Section was amended by Ordinance No. 2007-1 approved on January 11, 2007.

Section 3-210 NOT TO PERMIT MINORS TO FREQUENT BARS; EXCEPTIONS.

A. It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any low-point beer.

B. It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of said license holder, to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless said person's parent or legal guardian is present, which has as its main purpose the selling or serving of low-point beer for consumption on the premises. The provisions of this Section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this Section.

C. It shall be unlawful for any person who holds a license to sell and dispense low-point beer, for consumption on the premises, or any agent, servant or employee of said license holder to permit

any person under twenty-one (21) years of age to consume any low-point beer on the licensed premises.

D. Any person violating the provisions of subsection A, B or C of this Section shall upon conviction be guilty of an offense.

E. No person under twenty-one (21) years of age shall consume or possess with the intent to consume low-point beer. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase low-point beer, except under supervision of law enforcement officers. Any person violating any of the provisions of this Section shall be guilty of an offense. Provided, the provisions of this Section shall not apply when such persons are under the direct supervision of their parent or guardian, but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense low-point beer.

F. If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under twenty-one (21) years of age from the provisions of this subsection. Any person convicted of violating the provisions of this subsection shall be guilty of an offense.

State Law Reference: Similar provision, 37 O.S. Section 241, 246.

Section 3-211 INTOXICATED PERSONS.

It is unlawful for the owner, manager, or operator of a place where nonintoxicating beverages are sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or be therein.

Section 3-212 DRINKING IN PUBLIC.

It is unlawful for any person to drink any nonintoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the Town. This Section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

Section 3-213 HOURS OF SALE.

No place licensed to sell nonintoxicating beverages shall sell such beverages for consumption on the premises between the hours of 2:00 a.m. and 7:00 a.m. except Saturday nights, when such beverages shall not be sold between the hours of 2:00 a.m. and 12:00 noon on Sundays.

State Law Reference: Similar provisions, 37 O.S. Section 213.

Section 3-214 TRANSPORTING OPEN CONTAINER.

A. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or nonintoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container is in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

B. For the purpose of this Section "nonintoxicating beverage" shall be as defined in Section 3-201 of this code.

ARTICLE 3

MISCELLANEOUS

Section 3-301 Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages

A. Definitions. For purposes of Section 3-301, the following definitions shall apply:
“Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic beverage" includes alcohol, spirits, liquor; wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

"Gathering" is party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

"Intoxicating Beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

"Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

"Low Point Beer" means and includes beverages containing more than one-half of one percent (½ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

"Minor" means any person under twenty-one years of age.

"Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

"Premises" means any residence or other private property, place, or premises, including any commercial or business premises.

"Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such responses; (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any Town equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or

leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this section.

B. Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place not open to Public. Except as permitted by state law, it is unlawful for any minor to:

1. Consume at any public place, or any place open to the public, an alcoholic beverage; or

2. Consume at any place not open to the public any alcoholic beverages, unless in connection with the consumption of the alcoholic beverage, that minor is being supervised by his or her parent or legal guardian.

C. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

1. In General

a. It is the duty of any person having control of any premises, who knowingly hosts, Permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure: that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

b. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic, beverage, whenever the person having control of the premises either knows that the minor has consumed an alcoholic beverage or reasonably should have known that a Minor consumed an alcoholic beverage or failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection C.1.a off this section.

2. This Section shall not, apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

3. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

4. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a nonreligious gathering.

5. This section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

6. Reservation of Legal Options. Violation of this section may be prosecuted by the Town criminally, civilly, and/or administratively as provided by this code. The Town may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the Town's ability to initiate, and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

7. Local Authority

   This Section shall not apply where prohibited or preempted by state or federal law.

Note: This article was adopted by Ordinance No. 2007-08 on September 6, 2007.

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CHAPTER 4: ANIMALS

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(RESERVED)

CHAPTER 4: ANIMALS

ARTICLE 1

DIVISION 1

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means any and all types of animals, domesticated and wild, and including but not limited to any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal, including fowl;

2. "At large" means off the premises of the owner or keeper and neither enclosed within a building, fence or other enclosure of sufficient strength and construction to restrain and keep the animal within the building, fence or other enclosure, nor securely restrained and controlled by a person by a leash or harness with handhold;

3. “Dangerous, vicious animal” means any animal that:

a) has inflicted severe injury on a human being without provocation on public or private property, or

b) has attempted to bite, any person without undue provocation, or which attacks or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.

c) has been previously found to be potentially dangerous, the owner having received notice of such by the Police Chief or his designee in writing and the animal thereafter aggressively bites, attacks or endangers the safety of person.

4. “Dog” shall mean any dog, whether male or female.

5. "Health officer" means the director of the county health department or his authorized agent and shall also include the town animal control officer;

6. "Keep or harbor" shall mean to maintain, possess, control and use.

7. "Large animals" means horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature;

8. "Owner" means any person, firm or corporation owning, controlling, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

9. "Permit" includes but is not limited to the failure to take adequate precautions to prevent an animal from being at large; and

10. "Potentially dangerous animal" means any animal that when unprovoked, bites or attacks a person, either on public or private property.

11. "Proper enclosure for dangerous, vicious animal" means while on the owner's property, a dangerous, vicious animal shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each animal kept there and which is over six (6) months of age, and which is designed and suitable to prevent the entry of children, designed to prevent the animal from escaping such pen or structure, has secure sides and provides protection from the elements for the animal.

12. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

State Law Reference: Regulation of animals, town powers, 11 O.S. § 22-115.

SECTION 4-102 ANIMALS RUNNING AT LARGE PROHIBITED.

The owner or keeper of any fowl or any animal shall keep such animal under restraint at all times and shall not permit such animal to be at large.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large.

SECTION 4-104 KEEPING OF LIVESTOCK AND FOWL PROHIBITED; EXCEPTIONS

A. For the purpose of this section, "livestock" means horses, mules, cows, goats, sheep, swine, farm animals, game fowl, and any other animal commonly considered as livestock and fowl.

B. No livestock shall be kept within the town, except temporarily in a stockyard or other enclosure awaiting transportation and except as otherwise permitted by this section and the town's zoning ordinance. In addition, up to a maximum of six (6) chickens shall be permitted on any lot containing a residence in any residential or agricultural zoning district, provided such chickens are provided a covered and secure outside structure in which to live, their feces is promptly disposed of and they are not permitted to be at large (except in an adequately fenced backyard area). Further, roosters shall not be permitted within the town corporate limits.

C. It is unlawful for any person, firm, or corporation to keep any livestock or game fowl within the town limits except when the following conditions have been first complied with:

1. For horses, mules and cattle, a lot or pen of not less than forty thousand (40,000) square feet in area shall be provided and the lot or pen shall have substantial fence. No part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

2. For all other livestock, farm animals, or game fowl, a lot or pen of not less than two hundred thousand (200,000) square feet in area shall be provided and the lot or pen shall have a substantial fence. No part of the lot or pen shall be within five hundred (500) feet of any private dwelling or place used for residential purposes;

3. When shown by certification of a duly licensed medical doctor within the state that it is necessary for reasons of health of a person or a member of his family it shall be lawful to have one or more goats provided that the goat or goats shall be contained in a lot or pen of not less than forty thousand (40,000) square feet in area and the lot or pen shall have substantial fence

and no part of the lot or pen shall be within fifty (50) feet of any private dwelling or place used for residential purposes;

4. Each of the lots or pens shall be kept clean at all times and manure kept in a pile and removed not less often than once in each period of one week; and

5. The barn, shed, feed room and other premises in use for the keeping of the livestock, animals and fowl shall be kept clean and sanitary.

SECTION 4-105 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE

A. The following conditions are hereby declared to be a nuisance and an offense:

1. Any dog or other animal which continuously barks and/or howls for more than thirty (30) minutes in duration or which barks and/or howls two (2) or more different times during any twenty-four (24) hour period without regard to the duration of such barking and/or howling and thereby disturbs the peace and quiet of any person;

2. Any dog or other animal, which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidate joggers, pedestrians or children.

B. Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the town, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

Cross Reference: Nuisances generally, Sections 8-301 et seq.

SECTION 4-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

A. Every building or structure wherein any animal is kept within the town shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such building housing any livestock or fur-bearing animals, including but not limited to any horse, mule, donkey, cow, goat or sheep, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

SECTION 4-107 INSPECTIONS.

The animal control officer, the health officer or any police officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

Section 4-108 OUTDOOR SHELTER

A. Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal or fowl shall be provided for all animals or fowl kept outdoors. A suitable method of drainage shall be provided to rapidly eliminate excess water.

B. A shelter for a dog or cat shall protect against the cold and the heat. The cold weather shelter shall include a moisture proof and wind proof structure of suitable size to accommodate the

dog or cat and allow retention of body heat in the winter. It shall be made of durable material, and shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and to promote retention of body heat. The warm weather shelter should provide for air ventilation and shading from the sun.

C. All shelters required to be provided by this section shall comply with all other Town and state laws.

D. No person shall fail to provide the shelter required in subsections A and B.

Section 4-109 Police Dogs

A. Teasing, Striking or Tampering with Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, strike, administer or subject any desensitizing drugs, chemicals or substance to any dog used by a law enforcement officer in the performance of his/her functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by law enforcement department or agency or any handler thereof in the performance of the duty or functions of said department or agency.

B. Injury or Killing Police Dogs Prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

Section 4-110 DOG SOILING PROHIBITED.

A. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by such person's dog on any sidewalk, street or other public area in the town, or on any private property neither owned nor occupied by said person, under the following conditions:

1. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by such person's dog.

2. Duty to possess means of removal. No person who owns, possesses or controls any dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. No person who owns, possesses or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

a. Method of removal and disposal. For the purposes of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.

b. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of canine feces, to include a trash can, dumpster, poly-cart or other device regularly serviced by a solid waste collection and disposal company.

c. Exemption. This regulation shall not apply to a dog accompanying any disabled person who, by reason of such person's disability, is physically unable to comply with the requirements of this section.

Note: This ordinance was adopted as Ordinance No. 2014-3 approved on 7/17/2014.

DIVISION 2

DOG AND CAT VACCINATION, TAGS AND TAX

SECTION 4-120 DOGS AND CATS TO BE VACCINATED.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian at least once every twelve (12) months, expiring on the first day of May thereof, or, in case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish a certificate or statement of vaccination.

SECTION 4-121 DOG AND CAT REGISTRATION, TAG.

A. An annual fee in such sum as set by the board of trustees by ordinance for every dog or cat more than six (6) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the town.

B. The regulatory fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the town, nor to a dog or cat brought within the town to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the fee levied to the town for every calendar year within thirty (30) days after acquiring or bringing the dog or cat into the town. The license fee is due and payable on the first day of January of each year and shall expire on December 31 of each year.

D. The person offering the fee shall present to the town the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the preceding six (6) months prior to issuance of the license.

E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the town may request.

F. The town thereupon shall deliver an original receipt to the owner and also an appropriate tag to him for the dog or cat. The tag shall constitute a license for the dog or cat.

SECTION 4-122 TAG TO BE PLACED ON COLLAR; LOST TAGS.

A. The owner shall cause the tag received from the town to be affixed to the collar of the dog or cat so that the tag can easily be seen by officers of the town. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the town clerk, presenting to him the original receipt, and paying to him a fee as set by the town board of trustees.

SECTION 4-123 COURT PROCEEDINGS AGAINST POTENTIALLY DANGEROUS ANIMAL

A. If it is determined that an animal is potentially dangerous by the Police Chief, a notice will be sent out to the

owner of the animal notifying said owner that they have ten (10) days to protest this determination. If the owner does not protest the determination within ten (10) days, the determination is final without a hearing. If the owner notifies the Town Clerk's office within the ten (10) day period of his intention to protest the determination, then the Town Clerk will set this matter before the Mayor or his designee. At the administrative hearing, the rules of evidence will be suspended. The determination of the hearing officer is final and not subject to appeal.

B. A determination that an animal is potentially dangerous does not constitute an offense; but, it does lessen the proof for a finding of a dangerous, vicious animal for prosecution under Section 4-124.

Cross Reference: Municipal court, Section 6-101 of this code and Section 4-150 on keeping vicious animals.

SECTION 4-124 BARKING ANIMALS; DANGEROUS, VICIOUS ANIMALS GENERALLY

A. No person shall own, possess, keep, or harbor any:

1. Dog or cat which by loud and frequent barking, howling, squealing, hissing or yelping causes annoyance or disturbance to any of the citizens of the Town; or

2. Dangerous, vicious animal, except as provided for in Section 4-125 of this chapter.

B. This section shall not apply to any animal owned by the police department or other law enforcement agencies.

Section 4-125 COURT DETERMINES IF ANIMAL IS A DANGEROUS, VICIOUS ANIMAL; DANGEROUS, VICIOUS ANIMAL DESTROYED; APPEAL FROM JUDGMENT, STAY OF EXECUTION

A. When any complaint is filed in the municipal court of the Town alleging that a dangerous, vicious animal is owned, possessed, kept, or harbored, then the person against whom the complaint is filed, or any other person having control or custody of the animal alleged to be a dangerous, vicious animal, shall deliver the animal to confinement with a licensed veterinarian.

B. If the municipal court finds the party against whom the complaint is filed guilty of owning, possessing, keeping or harboring a dangerous, vicious animal, the court must determine whether the animal should be destroyed.

C. If the municipal court finds the party against whom the complaint is filed guilty of owning, possessing, keeping or harboring a dangerous, vicious animal and determines that the animal is to be destroyed and the municipal court's judgment is appealed to a higher court as provided by the statutes of this state and the laws of this Town, then the animal shall not be destroyed until the appeal is disposed of by the higher court. If the judgment is not appealed, the animal is to be immediately destroyed.

D. If the court finds the animal should not be destroyed, the animal may be released to the owner only after the following requirements have been met:

1. Register the animal as a dangerous, vicious animal with the Police Chief of the Town. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color, any other identifying marks of the animal, and the location where the animal is to be kept.

2. Confine the animal, at all times, either indoors or outdoors, in a proper enclosure for a dangerous, vicious animal.

3. At any time when a dangerous, vicious animal is not confined in a pen or structure as herein defined, the animal shall be muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle must not cause injury to the animal or interfere with its vision or respirations, but must prevent the animal from biting any person or animal.

4. Display in a conspicuous place on the owner's premises and on the animal's enclosure a clearly visible warning sign stating that there is a dangerous, vicious animal on the property and stating “Beware of Dangerous, Vicious Animal.” The sign must include a warning symbol that informs children of the animal's presence.

5. Maintain, in full force and effect, a policy of liability insurance such as homeowner's insurance or surety issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars ($50,000.00) insuring the owner for any personal injuries inflicted by the dangerous, vicious animal.

6. Have the dog or animal tattooed with a number or characters assigned by the Police Chief of the Town.

7. Arrange for the alteration of the reproductive capacity of the dog or animal through spaying or neutering of the dog or animal. Such alteration shall be at the owner's expense.

8. Notify the Police Department if the owner of the animal sells, gives away, or otherwise transfers custody of the dangerous, vicious animal. Such notification shall occur within forty-eight (48) hours of the event, and shall contain the name, address, and telephone number of the new owner. Additionally, the previous owner shall notify the new owner of the dog or animal's previous designation as a dangerous, vicious animal, and the requirements and conditions for keeping the animal.

9. Notify the Police Chief if the animal is unconfined, on the loose, or has attacked a person or domestic animal. Such notification shall occur within forty-eight (48) hours of the event.

E. If the owner does not meet all the requirements of subsection D hereinabove, the animal shall be destroyed.

F. If the owner of a dangerous, vicious animal violates any of the requirements of subsection D, the animal shall be immediately confiscated and impounded by the Police Department. Such violation will be considered an offense and the subject animal will be destroyed; provided that if the municipal court's judgment is appealed to a higher court as provided by the statutes of this state and the laws of this Town, then the animal shall not be destroyed until the appeal is disposed of by the higher court.

G. An animal shall not be declared a dangerous, vicious animal if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

Section 4-126 IMPOUNDMENT

A. Any dog or cat suspected of being afflicted with rabies, or which has bitten a person or a cat scratch which has caused a break of the skin of such person, shall immediately be voluntarily impounded by the owner under the supervision of a licensed veterinarian for a period of ten (10) days. If the animal is not immediately voluntarily impounded, the animal shall be seized pursuant to warrant by officers of the animal pound and impounded under the supervision of a licensed veterinarian. If the impounded

animal has bitten a person in the face, the dog, cat or will be subject to the state health department regulations. For all other impounded dogs or cats, if upon examination by a veterinarian at the end of the impoundment, the dog, cat or has no signs of rabies, it may be released to the owner, or in the case of a stray, it shall be disposed of in accordance with applicable ordinances. This subsection shall not apply to police animals.

B. Any stray dog or cat suspected of being afflicted with rabies or which has bitten a person or scratched a person which has caused a break of the skin shall be impounded five (5) days and thereafter may be disposed of in accordance with subsection D or applicable state health regulations.

C. Any person who fails to surrender any animal to the animal pound or to a licensed veterinarian for impoundment pursuant to the provisions of this section shall be guilty of an offense.

D. All dogs or cats found in violation of this article shall be impounded. Any impounded dog or cat which has a current license on it shall be held five (5) days, during which time the owner or keeper of such dog or cat may redeem it upon payment of the fees as provided in this Code or by resolution or motion. Any unlicenced or unredeemed dog or cat may be destroyed or given to any person who will obtain any required license and pay the fees as provided in this Code or by resolution or motion. No such dog or cat shall be destroyed or sold unless its owner has been given at least two (2) days' written notice of such impoundment. Such notice shall be written and shall be either mailed to the owner, if his name and address is known, or posted at the animal pound if the name and address of the owner is not known.

E. Notwithstanding the provisions of Chapter, members of the police department may kill or destroy any dog, cat or which is vicious or which they are unable to take up and impound.

Section 4-127 APPOINTMENT OF ANIMAL CONTROL OFFICERS

A. The Mayor and Town Board of Trustees may appoint an animal control officer and all assistants and they shall be authorized to enforce the provisions of this chapter. The animal control officer and all assistants shall have the authority to issue citations to persons who violate any provision of this chapter.

B. Notwithstanding the provisions of subsection A of this section, police officers of the Town shall have the authority to enforce the provisions of this chapter.

DIVISION 3

ANIMAL CONTROL SHELTER

SECTION 4-130 SHELTER ESTABLISHED; FEEDING ANIMALS.

A town animal control shelter is hereby established under the jurisdiction of the animal control officer or of such other person as may be officially designated, or as provided by contract with a third party provider. The person in charge of the animal control shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

SECTION 4-131 IMPOUNDING ANIMALS.

A. The animal control officer, or any other town officer or employee shall catch, or take up, and impound in the town animal control shelter any animal which is at large within the town or in violation of this code. When an animal is so impounded, it may be redeemed or disposed of, as other impounded animals are kept, treated, and redeemed or disposed of. A description of the animal shall be kept and if the owner is known, the town shall attempt to notify the owner of the impoundment orally or in writing.

B. In any prosecution charging a violation of Section 4-102, proof that the animal described in the complaint was at large as defined herein and that the defendant named in the complaint was the owner of the animal shall constitute in evidence a prima facie presumption that the owner permitted his animal to be at large in violation of this chapter.

State Law Reference: State law on disposal of animals, applicable to cities over 10,000, 4 O.S. § 501 - 508.

SECTION 4-132 ANIMALS TO BE IMPOUNDED.

A. The animal control officer, a police officer, or such other officer or employee of the town as may be authorized:

1. Shall take into custody and impound any animal running at large in violation of any provision of this chapter; and

2. May enter upon the premises of the owner or other private premises to take such animal into custody, subject to lawful authority.

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.

SECTION 4-133 BREAKING ANIMAL CONTROL SHELTER.

No unauthorized person shall:

1. Break or attempt to break open the animal control shelter, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-134 FEES FOR IMPOUNDING.

A. The board of trustees shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

B. Any person redeeming an impounded animal shall pay the required fees to the town and present his receipt therefor to the person in charge of the control shelter before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-122 of this code shall pay the required license tax to the town and secure a tag and present the receipt therefor and the tag to the person in charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog before releasing it.

Cross Reference: See town's fee schedule.

SECTION 4-135 OWNER MAY REDEEM.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

SECTION 4-136 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS.

A. As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal, shall post a notice thereof at the police office or animal control shelter of the town. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed as provided in this chapter.

B. Except as otherwise provided in this chapter, an impounded animal shall be held for seventy-two (72) hours during which time it may be redeemed pursuant to this chapter. No animal may be destroyed or sold until after this period.

C. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the chief of police. In no case shall the price of an animal be less than the fees, set out in this chapter, which have accrued against the animal. If an impounded animal cannot be sold, the animal shall be destroyed, in a humane manner, or otherwise disposed of in a legal manner.

D. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchases.

E. The animal control officer shall pay to the town any money received from the sale of impounded animals.

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. § 501 to 508.

SECTION 4-137 OWNER MAY CLAIM EXCESS MONEY.

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars ($5.00)

to reimburse the town for any expense it has had in making the sale, at any time within thirty (30) days after the sale. If a claim is so made and approved by the board of trustees, the town treasurer shall pay him such excess. If a claim is not made, the excess shall belong to the town.

SECTION 4-138 ADOPTION FROM SHELTER, DEPOSIT, STERILIZATION REQUIREMENTS.

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

1. "Keep or harbor" means to maintain, possess, control and use;

2. "Neuter" means to render a male dog or cat unable to reproduce;

3. "New owner or owner" means a person legally competent to enter into a contract acquiring a dog or cat from the town's animal shelter;

4. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce; and

5. "Sterilization" means to spay or neuter a dog or cat.

B. No dog or cat may be released for adoption by the animal control shelter unless the animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the town to ensure that the adopted animal will be spayed or neutered. A deposit shall be required as set by the board of trustees by motion or resolution.

C. The funds deposited with the town shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless the animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

D. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal

may be jeopardized by surgery, the supervisor of the animal shelter shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

E. If requested to do so, the town shall refund deposited funds to the adopting party upon reasonable proof being presented to the animal control shelter by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was to be completed.

F. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account, whenever feasible, and the town shall allocate funds from the account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals released by the animal shelter. The town shall maintain accurate records of accounts which fund spay/neuter programs.

G. This section shall not be construed to require sterilization of dogs and cats which are being held by the animal control shelter which might be claimed by the rightful owner.

DIVISION 4

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS.

A. It is unlawful for any person willfully and maliciously to pour on, or apply to an animal, any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

B. The premises on or in which any animals are kept shall be subject to inspection by the health officer or any of his representatives, at any reasonable hour of the day, for the purpose of enforcing this chapter.

C. Any police officer or animal control officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in his opinion, it requires humane treatment.

State Law Reference: Cruelty to animals, 21 O.S. § 168.

SECTION 4-141 POISONING ANIMALS.

It is unlawful for a person willfully to poison any dog or other animal except a noxious, non domesticated animal or knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-142 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, nondomesticated animal or to keep a house, pit or other place used for fights between animals.

DIVISION 5

WILD, EXOTIC OR DANGEROUS ANIMALS

SECTION 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS.

A. For the purpose of this section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes or reptiles, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep any wild and dangerous animal within the town limits, however, such animals may be kept for temporary periods of time for exhibition purposes only by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this subsection shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant.

C. Applicants for a permit or license shall file with the town clerk in duplicate a sworn application in writing, on a form to be furnished by the clerk, which shall give the following information:

1. Full name, description, birthdate and social security number of each individual applicant;

2. Address, both local and elsewhere;

3. Nature of business or operation;

4. If employed by another, the name and address of applicant's employer, together with a brief description or credentials showing the exact relationship;

5. Length of time for which the right to do business or operate is desired;

6. If applicant is a corporation, partnership, limited partnership, or other business entity other than a sole proprietor, doing business without a fictitious name, applicant shall, in addition to the other information required hereby, provide the names of all shareholders, officers, and directors, of a corporation, or the names of all partners or other individuals or entities in partnership or association, if a business entity, other than a corporation; and

7. A statement as to whether or not the applicant or any person as specified in Paragraph 6 above, has or have been convicted of a felony, the nature of the offense, and the punishment or penalty assessed therefor.

D. A permit or license fee shall be required to be paid as of the time the application is submitted for the permit or license.

DIVISION 6

ZONING ORDINANCE TO PREVAIL

SECTION 4-160 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.

Cross Reference: Zoning ordinance, Section 12-201 et seq. of this code.

DIVISION 7

PROCLAMATION OF RABIES

SECTION 4-170 DOGS AND CATS CONFINED; WHEN.

A. When the health officer or chief of police determines and certifies that a dog, a cat, or other animal in the town or within five (5) miles of the town is or was infected with rabies and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the day following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful or any owner to permit a dog or cat to be at large in violation of such resolution, or for any dog or cat to be at large in violation thereof.

SECTION 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION.

A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and the county health department. The animal, regardless of its immunization status, shall be securely quarantined at a veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a licensed veterinarian for a period of ten (10) days, and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head should be shipped, under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physicians concerning the need for immediate initiation for rabies prophylaxis. In case of animals whose ownership is unknown, such quarantine shall be at the town animal shelter. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of

rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

B. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

C. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

SECTION 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, the town health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact.

SECTION 4-173 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the town, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the mayor town-wide quarantine, and upon the invoking of such quarantine by the mayor, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animals may be taken or removed from the town without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

SECTION 4-174 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

A. During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under

six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

B. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.

C. No person shall kill or cause to be killed any rabid animals, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove same from the town limits without written permission from the health officer of the town or the animal control officer.

D. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

E. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

SECTION 4-175 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the town any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

ARTICLE 2

(RESERVED)

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CHAPTER 5: BUILDING REGULATIONS AND CODES

ARTICLE 1

BUILDING CODE AND REGULATIONS

Section 5-101 INTERNATIONAL BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Building Code, 2015 Edition, its appendices and annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Building Code for the Town of Okeene, State of Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

Section 5-102 ADDITIONS AND CHANGES TO INTERNATIONAL BUILDING CODE.

The following section of the International Building Code, 2015 Edition are hereby revised:

1. § 100.1, insert the Town of Okeene, State of Oklahoma.

2. 1612.3, insert the Town of Okeene, State of Oklahoma.

3. 1612.3, insert November 1, 2012.

4. 3410.2, insert November 1, 2012.

SECTION 5-103 PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement of plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code including costs. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-104 BUILDING OFFICIAL.

The building official of this town shall have the powers and duties prescribed from the "building official" by the town's building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector," whenever used in the ordinances of the town, means the building official. The terms "electrical inspector" and "plumbing inspector," wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector or plumbing inspector is appointed by the mayor and town board of trustees.

SECTION 5-105 FIRE DISTRICTS DEFINED.

The fire districts of the town shall be composed of all of the town limits of the town of Okeene, Oklahoma.

SECTION 5-106 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED; FEE

A. Except as may be exempt by law or rule, no person shall build, construct, erect, enlarge, move, demolish, or extend a building or structure's roof line, without first obtaining a building permit from the town administrator or his designee. Except as may be exempt by law or rule, no person shall change or permit the change in the use of any land or building or structure in violation of the Zoning Ordinance or to build, construct, erect, enlarge, move, demolish, or extend a building or structure's roof line, or erect a fence, or move a building or demolish a building without first having obtained an appropriate permit from the town administrator or his designee. A building permit or other type of permit shall be obtained under the following conditions:

1. Building or other Permit. The applicant for a Building Permit or other type of Permit may be required to furnish the following information:

   a. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be built, constructed, erected, enlarged, moved, demolished, or to have an extension of a building or structure's roof, together with a statement of the materials to be used, and the size arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading.

   b. A declaration of the existing and intended use of each existing and proposed buildings or structure on the lot and the number of families and housekeeping units which each existing building accommodates and each existing and proposed building is designed to accommodate.

   c. Additional information relating to the proposed improvement needed to determine compliance with these regulations, including traffic considerations, light, parking, drainage and appropriateness of structures and facilities, etc..

   d. A survey prepared by a land surveyor registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

B. If the application is made in accordance with the requirements of the ordinances and laws, the town administrator shall issue the permit upon the payment by the applicant of a the appropriate permit fee which may be set by motion or resolution of the town board of trustees or provided for in this code. A current copy of the fee schedule shall be kept in the office of the town clerk.

C. Permits shall not be required for the following:

1. Repair of or re-roofing an existing roof, provided the building or structure's roof line is not extended.

2. Demolition of an accessory building or structure.

3. Repair or replacement of an existing fence, provided the location of the fence is not altered or extended.

D. A building permit covers the initial plumbing and electrical installations to be made in connection with the building.

E. If construction or work authorized under a permit is not begun within sixty (60) days after issuance of the permit, the permit is automatically canceled.

F. Certificate of Occupancy. No change shall be made in the use of any land or building or structure after the passage of this section until a Certificate of Occupancy is obtained from the Town Administrator or his designee, to ensure that all of the provisions of this section in compliance with the use of such land or building. Whenever the building permit is issued for the erection of a new building or structure, an occupancy permit shall be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

Note: This section was amended by Ordinance No. 2008-01 approved on February 12, 2008.

SECTION 5-107 NUMBERING OF BUILDINGS.

(Reserved for future use.)

SECTION 5-108 PERMIT REQUIRED FOR MOVING BUILDING, BUILDING WITH TRAILER OR MOBILE HOME.

A. No person shall move any building or structure from one location in the town to another location within the town, or from outside the town into the town, without first obtaining a written permit from the building official. The fee for such permit shall be as set by the town board of trustees in addition to any other costs incurred by the town.

B. No person, firm, or corporation shall move any mobile home from one location in the town to another location within the town, or from outside the town into the town, to be placed upon a lot, without first obtaining a written permit from the building official. The fee for such permit shall be as set by the town

board of trustees in addition to any other cost incurred by the town.

SECTION 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Property Maintenance Code 2006 Edition, its appendices and annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Code for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Okeene, Oklahoma

Section 103.5, insert a schedule of fees on file in the office of the Town Clerk or contained in the Okeene Municipal Code 2013.

Section 304.14, insert from April 1 to September 30

Section 602.3, insert from November 1 through March 31

Section 602.4, insert from November 1 through March 31

SECTION 5-110 INTERNATIONAL EXISTING BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Existing Building Code, 2015 Edition, but not to include the Appendix Chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Code for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and

terms of said Existing Building Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Okeene, Oklahoma

Section 1201.2, insert November 1, 2012.

Section 5-111 RESIDENTIAL BUILDING CONTRACTOR; REGISTRATION AND INSURANCE REQUIRED.

A. Residential Building Contractor; Registration and Insurance Required.

1. No person shall work at the occupation or engage in the business of the construction of residential dwellings within the Town, or making repairs thereto, for which a residential building permit is required, without registering with the Town Clerk and securing a residential building contractors' registration. A residential building permit shall be defined for this section as any building permit for a single-family or a duplex residential structure and shall include construction of a new structure, remodel of an existing structure, and the addition to an existing structure. Not included under the definition of a residential building permit are a single-family or a duplex carport, patio cover, storage building, accessory building, pool, or fence.

2. Applicants for registration shall pay an annual registration fee of $10.00, with such registration to expire annually on June 30.

3. At all times that such registration is effective, the residential building contractor shall furnish the Town Clerk a certificate of insurance from an appropriate insurer providing that contractor with general liability insurance in an amount required by other trade contractors licensed by the Construction Industries Board and workers' compensation insurance, for such contractor and employees, or a workers' compensation exemption verification document.

4. The Town Board of Trustees, upon notice and adequate opportunity for a public hearing, may revoke the registration of any residential building contractor for violation of any of the provisions or regulations of the Town related to building construction or for any cause specified in the state law or

municipal code.

5. All services performed by utility companies operating under a franchise or other agreement or permit, and the employees of such utility companies are hereby exempt from the registration and insurance requirements for work done under the supervision and direction of the utility companies.

6. This section shall not apply to a person or persons performing the construction or remodeling to his, her, or their own existing single-family or duplex structure on their own property, unless the modifications are being performed by and the permit acquired by a general contractor or subcontractor, in which case the general contractor or subcontractor shall meet the requirements set forth in this section.

ARTICLE 2

PLUMBING CODE

Section 5-201 INTERNATIONAL PLUMBING CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Plumbing Code 2015 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the Town of Okeene, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes as set out in Section 5-202.

Section 5-202 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PLUMBING CODE

The following sections contained in the International Plumbing Code 2015, are hereby revised:

Section 101.1, insert the Town of Okeene, Oklahoma

Section 106.6.2, insert as provided by resolution of the Town or as provided in the Okeene Municipal Code 2013.

Section 106.6.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

Section 108.5, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

Section 305.6.1, insert 18"

Section 904.1, insert 12"

State Law Reference: Town powers to supervise plumbing, 59 O.S. §§ 1001 et seq.

SECTION 5-203 PLUMBERS; REGISTRATION.

A. The phrases and words "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this town, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law, and the town's plumbing code, unless the context clearly indicates a different meaning.

B. No person shall work at the occupation or engage in the business of installing, altering, replacing or repairing any plumbing equipment, fixtures or apparatus within the town without registering with the town clerk and securing a plumbing contractors' registration. The town clerk shall issue such registration upon presentation of a valid license or registration issued by the state department of health and upon payment of the required fees.

C. Applicants for certificates of registration, after complying with the laws of the state and with the town code, and after payment of the fee hereinafter specified, shall be registered with the town. The registration shall expire annually, on June 30, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with the state licensing laws and the same bond is required as set forth by town code.

D. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the mayor and town board of trustees.

E. All plumbing registrations not renewed within ninety (90) days after the date of expiration thereof shall be canceled, and a new application for registration must be made and the fee for a new registration paid.

F. The fee for registration shall be as set forth in the fee schedule.

G. The town board of trustees, upon notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provision of the ordinances or regulations of the town relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

H. All services performed by utility companies operating under a franchise agreement, and the employees of such utility companies are hereby exempt from Subsection B for work done under the supervision and direction of the utility companies.

State Law Reference: State plumbing licenses, requirements, 59 O.S. §§ 1001 et seq.

SECTION 5-204 PLUMBING, PERMITS AND INSPECTIONS.

A. No plumbing work shall be undertaken without a permit from the town as provided in the town's plumbing code.

B. The application for such work shall be as required by the town.

C. The permit inspection fee for plumbing shall be as set forth in Chapter 18. Such payment will be made upon application. No work may be commenced prior to payment of the fee. The permit fee shall also cover the cost of inspection.

D. Inspection of such work shall conform to the guidelines set forth in the town code.

SECTION 5-205 PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES.

A. The plumbing inspector shall be appointed by the mayor with approval of the board of trustees, and may hold another

position in the town government.

B. The plumbing inspector shall have the powers and duties prescribed for him by the town's plumbing codes.

C. All taps to main sewer or water lines shall be made only under the supervision of a Town official and employee.

ARTICLE 3

ELECTRICAL CODE

SECTION 5-301 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the state law, Sections 1680 et seq. of Title 59 of the Oklahoma Statutes and the town's electrical code.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. §§ 1680 to 1696.

SECTION 5-302 NATIONAL ELECTRICAL CODE.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the National Electrical Code 2014 as approved by the National Board of Fire Underwriters shall be prima facia evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC.

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc., shall be prima facie evidence

of conformity with approved standards for safety to persons or to property.

SECTION 5-304 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS.

The town board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

SECTION 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE.

A. It is unlawful for any person to commence any work on electrical installations for light, heat or power or make extensions to any existing electrical installations without first securing a permit from the town.

B. Applications for electrical permits shall be made to the town; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.

C. The fee for an electrical permit shall be as prescribed in the fee schedule.

Cross Reference: See also Sections 17-101 et seq. for electrical utility fees.

SECTION 5-306 INSPECTION FEE.

The permit fee shall cover the cost of inspection. If the electrical inspector is called in to inspect and upon arrival the job is not ready for inspection, a fee as set by the board of trustees shall be charged for the call, over and above any permit fee.

SECTION 5-307 ELECTRICIAN'S REGISTRATION REQUIRED, BOND.

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician or do any electrical work for which an electrical permit is required without a certificate of registration as such secured from the town.

B. The fee for a registration certificate, and any renewal, to be paid to the town clerk, shall be as set by the town board of trustees.

C. The town clerk shall issue such registration upon presentation of a valid license issued by the state and upon payment of the required fee. All registrations shall expire annually on June 30. After the expiration, an application for a new certificate must be requested and the initial fee paid again.

D. The certificate is not transferable to any other individual or company.

E. Every person receiving a certificate as an electrical contractor shall file with the town clerk a bond in such sum as set by the town board of trustees, executed with a surety company authorized to do business in the state, in the sum as set by the board of trustees. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the town relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the town may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor or apprentice electrician, as the case may be.

F. All services performed by the town or utility companies operating under franchise agreements, and the employees of such utility company or town, are hereby exempt from Subsection A for work done under the supervision and direction of the utility company or town.

G. After adequate opportunity for a hearing, the town board of trustees may revoke the certificate of an electrical contractor, apprentice electrician, or a journeyman electrician.

SECTION 5-308 COMPLIANCE WITH REGULATIONS.

All electrical construction and all materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the town limits shall conform to the rules and requirements of the code adopted by this chapter. The electrical inspector shall have the responsibility and authority for making

interpretations of the provisions of such code, for deciding upon the approval of equipment, materials and construction and for granting the special permission contemplated in a number of provision of such code, and the electrical inspector, where necessary, shall follow the code procedure for securing official interpretations of such code. In cases of necessity, the electrical inspector may require larger size wire, more branch circuits and better types of equipment than the minimum specified in the National Electrical Code.

SECTION 5-309 INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS.

A. Upon the completion of any work for which a permit has been issued under Section 5-305, it shall be the duty of the permit holder to notify the electrical inspector who shall, as early as possible, inspect the wiring, installation, appliances and apparatus and execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination. No such certificate shall be issued unless such wiring, motors, heating devices, appliances and apparatus are in strict accord with the rules, requirements and spirit of this chapter. No current shall be turned on until such certificate is issued.

B. The amount of fee or charge to be made for such inspections and certificates shall be fixed and determined by the town board of trustees.

C. Whenever electric wiring, appliances or apparatus are found to be defective or hazardous through improper manufacture or improper or insufficient installation or for any other reason, the electrical inspector shall at once cause the removal of such defect, at the expense of the owner of such wiring, appliance or apparatus.

SECTION 5-310 DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER.

Upon failure to comply with this chapter, the electrical inspector shall have authority, after due notice, to cut off electric current. In an emergency the electrical inspector shall have such authority without notice.

SECTION 5-311 OFFICE OF ELECTRICAL INSPECTOR.

A. There is created the office of town electrical inspector.

Such inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees.

B. It is the duty of the electrical inspector to enforce all provisions of this chapter. He is hereby granted the authority to enter all buildings in the town, in the performance of his duties.

ARTICLE 4

MECHANICAL CODE

SECTION 5-401 INTERNATIONAL MECHANICAL CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Mechanical Code 2015 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the Town of Okeene, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Okeene, Oklahoma

Section 106.6.2, insert as provided by resolution of the Town or as provided in the Okeene Municipal Code 2013.

Section 106.5.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

Section 108.5, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

SECTION 5-402 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the State Mechanical Licensing Act, Section 1850.1 et seq. of Title 59

of the Oklahoma Statutes, or as such sections may be hereinafter amended.

SECTION 5-403 REGISTRATION REQUIRED.

A. No person shall work at the occupation or engage in the business of installing, altering, replacing or repairing any mechanical equipment, fixtures or apparatus within the town without registering with the town clerk and securing a mechanical contractor's registration. The town clerk shall issue such registration upon presentation of a valid license or registration issued by the state department of health and upon payment of the required fee.

B. Applicants for certificates of registration, after complying with the laws of the state and with the town code, and after payment of the fee hereinafter specified, shall be registered by the town. The registration shall expire annually, on June 30, but may be renewed from year to year. Mechanical contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by town code.

C. An applicant for mechanical contractor's registration shall also furnish bond in such sum and such conditions as set by the mayor and town board of trustees.

D. All mechanical registrations not renewed within ninety (90) days after the date of expiration thereof shall be canceled, and a new application for registration must be made and the fee for a new registration must be paid.

E. The fee for registration shall be as set forth by the town board of trustees by motion or resolution.

F. The town board of trustees, upon notice and adequate opportunity for a public hearing, may revoke the town registration of any mechanical contractor or journeyman mechanical contractor for violating any provisions of the ordinances or regulations of the town relating to the installation of mechanical or for any other reason specified in the state mechanical license law.

G. All services performed by utility companies operating under a franchise agreement, and the employees of such utility companies or town are hereby exempt from Subsection A for work done under the supervision and direction of the utility companies or town.

SECTION 5-404 MECHANICAL PERMITS AND INSPECTIONS.

A. No mechanical work shall be undertaken without a permit from the town as provided in the town's mechanical code.

B. The application for such work shall be as required by the town.

C. All persons making mechanical installations shall be charged a permit inspection fee as set forth in the fee schedule. Such payment will be made upon application. No work may be commenced prior to payment of the fee. The permit fee shall also cover the cost of inspection.

D. Inspection of such work shall conform to the guidelines set forth in town code.

SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR.

A. There is created the office of town mechanical inspector. Such inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees.

B. It is the duty of the mechanical inspector to enforce all provisions of this chapter. He is hereby granted the authority to enter all buildings in the town, in the performance of his duties.

ARTICLE 5

LIQUEFIED PETROLEUM GAS

SECTION 5-501 CODE ADOPTED.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gasses, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished

accordingly.

State Law Reference: State rules, LPG, 52 O.S. § 420.1 et seq.

Cross Reference: See also Sec. 13-101 et seq. on fire prevention code.

SECTION 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT.

The use and installation of liquefied petroleum gas equipment shall be in conformity with the provision of this chapter, with the statutes of the State of Oklahoma, and with any orders, rules or regulations issued by authority thereof, and with generally recognized standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by state statutes, or by any orders, rules or regulations issued by authority thereof, conformity with the standards of the National Fire Protection Association for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, as amended, shall be prima facia evidence of conformity with generally recognized standards for safety to persons and property.

SECTION 5-503 LPG TANKS, PERMIT REQUIRED TO HAVE VEHICLE REPAIRED.

A. Before the owner or operator of any vehicle on which is mounted a tank used in the transportation of any liquefied petroleum gas shall deliver such vehicle, or cause the same to be delivered, to any garage or other establishment for repair, he shall first submit the liquefied petroleum gas tank for inspection by the fire marshal of the town, who shall require that such tank be virtually depleted of its contents, and the pressure therein reduced to the satisfaction of the fire marshal; and upon compliance with such orders of the fire marshal, the latter shall issue a permit to the owner or operator of such vehicle authorizing the delivery of such vehicle to a garage or other institution for repair.

B. No person engaged in the repair of vehicle shall receive into his or its place of business any vehicle on which a liquefied petroleum gas transport tank is mounted unless the owner or operator of such a vehicle shall then and there exhibit the permit from the fire marshal referred to in Subsection A of this section.

C. During the hours when any repair shop or garage having

possession of any vehicle on which a liquefied petroleum gas transport tank is mounted is not open for business, no such vehicle shall be kept within the garage or repair shop building.

SECTION 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTIONS.

No person shall park, or cause to be parked, any liquefied petroleum gas transport truck or vehicle on any public street or alley, or on any public private property or driveway, within the corporate limits of the town whether or not any such transport truck or vehicle is carrying any liquefied petroleum gas on board, except when any such transport truck or vehicle is actually engaged in dispensing liquefied petroleum products into any tank or tanks then being serviced and under conditions meeting the minimum safety standards provided for by ordinance of the town and by the laws of the state.

Cross Reference: See also Sec. 15-721 on hazardous trucks, parking.

ARTICLE 6

GAS PIPING CODE

Section 5-601 INTERNATIONAL FUEL GAS CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Fuel Gas Code 2015 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the Town of Okeene, State of Oklahoma, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1, insert the Town of Okeene, Oklahoma

Section 106.5.2, insert as provided by resolution of the Town or as provided in the Okeene Municipal Code, 2013.

Section 106.5.3, insert in first blank 75% and second blank 50%

Section 108.4, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

Section 108.5, insert as provided by Section 1-108 of the Okeene Municipal Code 2013

ARTICLE 7

HOUSING CODE

SECTION 5-701 INTERNATIONAL RESIDENTIAL CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Residential Code 2015 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Okeene, State of Oklahoma, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section R101.1, insert the Town of Okeene, Oklahoma

Section P2603.6.1, insert 18"

Section P3103.1, insert 12"

Cross Reference: Permits, fees, see Article 1 of this Code.

ARTICLE 8

FAIR HOUSING

SECTION 5-801 PURPOSES.

The general purposes of this article are:

1. To secure for all people equal access to housing in all neighborhoods; and

2. To preserve the public safety, health and welfare.

SECTION 5-802 ACTS PROHIBITED.

It is unlawful for any person, commercial lending institution, real estate broker, real estate salesman or agent to:

1. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, sex, religion or national origin;

2. Refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, color, sex, religion or national origin;

3. Solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed, or making statements designed to induce a residential property owner to sell or lease his property due to such change in the neighborhood;

4. Deny or make different terms or conditions for home loans by a commercial lender, such as a bank, savings and loan association, mortgage institution or insurance company; or

5. File a complaint alleging a violation of this chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

SECTION 5-803 EXEMPTIONS.

The following shall not apply:

1. Any religious nonprofit organization, association, or society operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwellings units owned or operated for other than a commercial purpose;

2. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family houses at any one time, and provided further that only one such sale may be made within any twenty-four (24) month period; or

3. Any dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independent of each other and the owner actually occupies one such living quarter as his residence.

SECTION 5-804 FAIR HOUSING BOARD CREATED.

There is hereby created a fair housing board of the town, hereinafter referred to as "board," composed of five (5) members, to be appointed by the mayor and town board of trustees of the town, for terms of three (3) years, except that of the members first appointed under this article, two (2) shall be appointed for a term of one year, and two (2) shall be appointed for a term of two (2) years, and one shall be appointed for a term of three (3) years.

SECTION 5-805 PROCEDURE.

A. Any person aggrieved by discriminatory practice prohibited by this article, may file with the fair housing board, a complaint in writing, under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this article, and shall further set forth the particulars of the violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within that time, shall be considered a waiver of the application of this article. The board may issue a complaint on its own initiative, at any time it is within the knowledge of the board that a person has violated any of the provisions of this article.

B. The board shall investigate each complaint filed with the board, and shall attempt an adjustment of the complaint by means of

conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their rights under existing state and federal laws.

C. If conference or conciliation does not result in compliance with this article, the board shall cause to be issued and served in the name of the town, a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as respondent, to answer charges of the complaint at a hearing before the board at a time and place to be specified in the notice.

D. At the hearing, provided for in Subsection C above, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing, pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof. If the board finds at the hearing, that the respondent has engaged in any discriminatory practice or practices, prohibited by this article, it shall state its findings of fact, and shall so certify the matter to the town attorney for appropriate action. No prosecution shall be brought under this article except upon such certification. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact, and shall issue and file an order, dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

SECTION 5-806 NOTICES.

Any and all notices required under the provisions of this article to be served upon any person, may be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or residence address of such person.

ARTICLE 9

OIL AND GAS CODE

Section 5-901 SHORT TITLE.

This Article shall be known as the Oil and Gas Code and may be cited as such.

Section 5-902 INTENT AND PURPOSE.

A. Imprudent operation of an oil and gas facility, whether that facility is involved in drilling or production, can and has constituted a menace to the public health, safety and welfare of the citizens of the Town, and includes:

1. The potential for serious contamination of water wells within the Town;

2. A threat to the health and physical safety of children and other residents of the Town who may live, work or play in the area of operation; a disturbance of the Town's peace and serenity through noxious odors, dust, and loud noises;

3. A general threat to the well being in the community through potential fire dangers, fluid spills and other damages to the surface; and

4. A threat of physical destruction of municipal facilities caused by heavy equipment.

B. It is therefore the intent and purpose of this Article to recognize the legitimate interests of oil and gas operations but to reasonably and uniformly regulate those operations in harmony with the activities and land uses within the Town for the general benefit of the public good.

Section 5-903 DEFINITIONS.

A. All technical or oil and gas industry words or phrases used herein and not specifically defined in this Article shall have that meaning customarily attributable thereto by prudent operators of the oil and gas industry.

As used in this Article, the following words and terms shall have the scope and meanings hereafter defined and set out in connection with each, and this scope and meanings shall apply

wherever and whenever used:

ABANDONED WELL: Any natural production well in which production casing has been run but which has not been operated for six (6) months; the term shall also mean any well in which no production casing has been run, and for which drilling operations have ceased for thirty (30) consecutive days, or which has otherwise not been developed or operated with due diligence.

COMPLETION PROCESS: Any operations conducted after the setting and cementing of the casing and after notification thereof in writing given to the Town building official or his designee.

CORPORATION COMMISSION: The Oklahoma Corporation Commission.

DELETERIOUS SUBSTANCE: Any chemical, saltwater, oil field brine, waste oil, waste emulsified oil, basic sediment, fresh water drilling fluids, or injurious substances produced or used in the drilling, development, production, transportation, refining, or processing of oil, gas or condensate, and all substances used in the completion process.

DEVELOPED AREA: Any area within the corporate limits of the Town and designated with a zoning classification other than Agricultural District, I-1 Restricted Manufacturing and Wholesale District and I-2 General Industrial District.

DRILLING PROCESS: Any operations from the beginning of operations until the beginning of the completion process.

ENHANCED PRODUCTION: Any secondary or tertiary operation by which potable or treated water is introduced into a source of supply for the purpose of stimulating recovery therefrom.

INSPECTOR: Any person designated by the Town Administrator to make inspections provided for in this Article, whether or not other duties are additionally assigned.

LEASE: Any tract of land subject to an oil, gas or mineral lease or other oil and gas development contract, or any unit composed of several tracts and leases but operated as a single lease; and any tract of land in which the minerals are owned by an operator or someone holding under him, which, due to the royalty ownership, is developed as a separate tract.

MUD PROGRAM: The planned usage of drilling fluid lubricants (also known in the industry as "mud"), specifying with

particularity the type, names, physical and chemical composition, and the characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the Town to evaluate the same as a potential source of pollution.

NATURAL PRODUCTION: The raising of petroleum and/or natural gas to the surface of the earth by natural flow.

NONDELETERIOUS SUBSTANCE: Only nontoxic and nonpolluting water based drilling fluids and solids.

PERMITTEE: The person to whom is issued a permit under the terms of this Article.

PERSON: Shall include both the singular and plural; and shall also mean and include any individual, firm, partnership, association, corporation, club, society, cooperative, trust, municipal corporation, or political subdivision regardless of form. When and after activity or omission is forbidden to a person, that activity or omission is forbidden whether the person is acting for himself or for another, and whether the activity or omission is performed directly or through an agent, servant, employee, subcontractor, or independent contractor.

POLLUTION: The contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the Town or lands within the Town; or such discharge of any liquid, gaseous, or solid substance into any water of the Town or upon any lands within the Town as will or is likely to create a nuisance or render such waters or such lands harmful or detrimental to public health, safety or welfare; or which will render such waters or such lands harmful or detrimental to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or which will render such waters or such lands harmful or detrimental to livestock, animals, or aquatic life.

WATER OR WATER OF THE TOWN: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, and all other bodies or accumulations of water whether on the surface or underground, whether natural or artificial, whether publicly or privately owned or maintained, and which are either contained within, flow through, or border upon the Town or any portion thereof.

WELL: Shall include and mean any hole or holes, bore or bores, to any sand, formation, strata, or depth for the purpose of

producing and recovering any petroleum, oil, gaseous liquid hydrocarbon, or any other liquefied matter or gaseous matter.

Section 5-904 APPLICABILITY TO EXISTING CONDITIONS.

This Article and all amendments hereto shall apply to any person drilling an original well, reentering an abandoned well, or maintaining a well within the Town on or after May 13, 2008. Every person whose activity preexists May 13, 2008, shall be exempt from all of the requirements of this Article.

Section 5-905 ENFORCEMENT.

A. Enforcement Officials: The Town Administrator and his duly authorized representatives, including the chief of the fire department, the fire marshal, the Town engineer, and the building official, shall enforce the provisions of this Article, and shall have all of the power and authority granted by law to peace and health officers.

B. Right Of Entry: Enforcement personnel may enter the leased premises for any purpose pursuant to this Article at all reasonable times to inspect same or to perform any duty imposed by this Article. No person having an ownership interest in, or control of, the leased premises shall fail or neglect to permit prompt entry, after proper demand, to the site of the oil and gas operations.

Section 5-906 PERMIT REQUIREMENTS.

A. Permit Required; Transfer Of Permit:

1. No person shall engage in or authorize any work or erect any structures, tanks, machinery, pipelines, or other appurtenances incident to the drilling of a well or drilling for or production of petroleum, natural gas, or their products; nor operate, maintain, or permit any equipment, structures or appurtenances incident to such production to exist or be maintained; nor allow any flow therefrom, without a permit having first been issued by the Town in accordance with this Article.

2. A permit is transferable to the person who acquires the legal right to produce oil or gas from the well in question, but notices served upon the record permittee shall be binding upon the transferee until such time as the transferee designates a new service agent. The transferee shall notify the Town in writing of the name and address of transferee and his service agent within ten

(10) days of the effective date of the transfer.

B. Application And Filing Fee:

1. Every application for a permit to drill and operate a well, including a reentry to an abandoned well, shall be verified under oath and in writing, and signed by the applicant or some duly authorized person who may sign on the applicant's behalf.

2. The application shall be filed with the building official and be accompanied with a filing fee in the amount of $1500.00 in cash, money order, or certified check.

3. A separate application shall be required for each well.

4. The application shall include the following:

a. Name and address of applicant.

b. Name and address of operator.

c. Date of application.

d. Legal description of the land.

e. Block map of the forty (40) acres surrounding the drill site, showing thereon the location of the proposed well in the center of the forty (40) acres and the location of all abandoned wells, all structures designed for the occupancy of human beings or animals, all easements of record, property boundaries, private roads to the well, all publicly owned fresh water wells within the forty (40) acres, and all facilities and equipment proposed to be used with the well. The map shall show the distances between the drill site and these items, and show a north arrow.

f. Name and address of the surface owners as shown by the tax rolls maintained in the county where the land is located, and of the mineral owners if different from the applicant.

g. Copy of the approved drilling permit from the state corporation commission and a copy of the staking plat.

h. Drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe, and the procedures to be used for cementing such. Plugging procedures to be used in the event the production is not established shall also be specified.

i. Statement of provisions for water for the drilling rig and the mud program to be utilized.

j. Name and address of the service agent within the state upon whom service of process on behalf of the applicant may be made. In the case of a nonresident person, there shall be attached to the application a designation of a service agent who is a resident of the county, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations hereunder.

k. A site plan with a specified scale showing the location of all structures, equipment, and appurtenances on the drilling site.

l. The proposed depth of the well.

m. Location of mud pits, pollution prevention equipment, and fire equipment, together with a list of this equipment.

n. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of said deleterious substances; or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the Town of the amount of saltwater and other deleterious substances produced along with receipts for disposal of same.

C. Issuance; Conditions: The building official, within thirty (30) days after the filing of application for a permit to drill and operate a well, shall determine whether or not said application complies in all respects with the provisions of this Article. Each permit issued under this Article shall:

1. Comply with all provisions of this Article.

2. Specify that the term of such permit shall be for a period of one year from the date of the permit, and for as long thereafter as the permittee is engaged in drilling operations with no ceasing of such drilling operations for more than thirty (30) days, or oil and gas is produced in commercial quantities from the

well drilled pursuant to such permit; provided, that if at any time after discovery of oil or gas and the production thereof in commercial quantities, such production shall cease, the term shall not terminate if the permittee commences additional reworking operations within ninety (90) days thereafter. If the reworking operations result in the production of oil and gas, the permit shall continue so long thereafter as oil and gas is produced in commercial quantities from said well. In any event, continuation beyond one year from the date of issuance is contingent on renewal of the permit as set forth hereafter.

D. Termination: When a permit has been issued pursuant to this Article, the same shall terminate and become inoperative without any action on the part of the Town, unless, within ninety (90) days of the date of issuance, actual drilling of the well commences. If drilling operations or production cease for a period sufficient to make the well an "abandoned well" as defined in section 9-13-3 of this Article, this abandonment shall operate to terminate and cancel the permit without any action on the part of the Town, and it shall be unlawful thereafter to continue the operation of, or drilling of, such a well without the issuance of a new permit.

E. Renewal; Filing Of Application:

1. At least thirty (30) days prior to the anniversary of the issuance of the permit pursuant to this Article, the Town clerk shall mail by certified mail a ratification to permittee that such permit must be renewed in accordance with the provisions of this subsection.

2. On or before the anniversary of the issuance of the permit each year, the permittee shall file an application for renewal of the base permit previously granted. Such application shall include the following:

a. Cash, money order or certified check as a renewal fee in the amount of $750.00.

b. A statement of amendments as to any factual issues which have changed from the facts set forth in the initial application.

c. As to wells which were drilled during the previous year, a statement as to whether or not the well has been converted to production, and if so, identifying the strata of production.

d. Evidence that all bonds and insurance remain in force, or

have been replaced with equivalent new bonds and insurance.

3. The application for renewal may be submitted through the mail or in person. Failure to make the required application for renewal shall suspend all rights to drill, produce, or inject, but shall not be construed to terminate the base permit until after the time required to make the well an abandoned well, and all such operations are offenses and forbidden until the renewal is issued. 4. The Town shall notify the permittee by letter within thirty (30) days thereafter that the base permit has been extended, or that the base permit has not been extended, for a period of one year. This notice of extension shall be maintained by the permittee with the permit and used as a supplement thereto for all purposes. In the event the permit is not renewed, the permittee shall immediately cease all drilling and production operations and diligently proceed to plug the well.

Section 5-907 INSURANCE AND BOND.

A. Bond Requirements; Amounts; Conditions:

1. In the event a permit is authorized by the Town under the terms of this Article for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee files with the Town clerk a bond or standby letter of credit by a federally insured bank in the principal amount of at least fifty thousand dollars ($50,000.00) per well or a two hundred thousand dollar ($200,000.00) blanket bond or standby letter of credit by a federally insured bank on all wells operated by a single operator. 2. Said bond or letter of credit shall be executed by a reliable insurance company authorized to do business in the state as surety with the permittee as principal, said bond or letter of credit running in favor of the Town for the benefit of the Town and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this Article in the operation of the well for either natural or artificial production, injection or disposal.

3. Said bond or letter of credit shall become effective on or before the same is filed with the Town and remain in force and effect for a period of at least one year after the expiration of the term of the permit issued.

4. In addition, the bond or letter of credit will be conditioned that the permittee:

a. Will promptly pay all fines, penalties and other

assessments imposed upon the permittee by reason of the breach of any other terms, provisions and conditions of this Article;

b. Will promptly restore to their former condition the streets, sidewalks and other public property of the Town, which may be disturbed or damaged by the operations;

c. Will promptly clear the premises of all litter, trash, waste, and the substances used, allowed or occurring in the drilling or production operations;

d. Will (after drilling operations are complete) grade, level, and restore said property to the same surface condition as nearly as possible, as existed when operations for the drilling of the well was first commenced;

e. Will comply with every applicable federal and state law, municipal ordinance, rule, regulation, standard or directive relating to the maintenance of the safe and beneficial physical, chemical, and biological properties of any waters of the Town or lands within the Town;

f. Will bear all the costs necessary and incidental to the correction of any pollution to the waters of the Town or lands within the Town caused by the permittee or his agents, servants, employees, subcontractors, or independent contractors; and

g. Shall indemnify and hold the Town harmless from any and all liability attributable to granting the permit.

B. Public Liability Insurance; Conditions: In addition to the bond or letter of credit required above, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, and such policies shall:

1. Contain coverage for contamination or pollution of surface or subterranean streams, watercourses, lakes, or public or private water supplies.

2. Be conditioned for payment of all damages due to injury to persons or damage to property resulting from the drilling, operation, or maintenance of the proposed well or any structure, machinery, equipment, pipelines, or appurtenances used in connection therewith.

3. Name the permittee and the Town as coinsured.

4. Be issued by an insurance company authorized to do business within the state, and said policy or policies shall in the aggregate provide for minimum coverage of one million dollars ($1,000,000.00) combined single limit.

C. Certificates Filed With Town; Notice Of Cancellation:

1. The permittee shall file with the Town clerk, certificates of said insurance, bond or letter of credit.

2. Said insurance policy or policies, bonds or letters of credit shall not be canceled without actual written notice received by the Town clerk at least ten (10) days prior to the effective date of said cancellation. In the event said insurance policy or policies are canceled, the permit granted shall terminate immediately, and permittee's rights to operate under said permit shall cease immediately until permittee files additional insurance as provided herein. Further, if said insurance policy or policies are canceled or allowed to expire, the building official shall notify the electric company of the violation, and service to all wells not conforming shall be discontinued immediately. For other wells (not electric) an injunction will be filed immediately.

D. Cash Bond And Agreement: The permittee may satisfy the bond or letter of credit requirement as set out in subsection A of this section by furnishing the Town with a two hundred thousand dollar ($200,000.00) cash bond which shall be governed by an agreement between the permittee and the Town. Said agreement and cash bond shall be conditioned by all the terms of this section.

Section 5-908 ENHANCED PRODUCTION WELLS; DISPOSAL WELLS PROHIBITED.

A. Disposal Wells Prohibited: No person shall drill any well for disposal, nor shall any person convert any well to a disposal well.

B. Enhanced Production Wells; Permit Requirements:

1. No person shall drill any well for enhanced production, or convert any well to a use for enhanced production without first applying for a permit in the same form as that required by Section 5-906 of this Article in applying for a permit to drill an original well.

2. If a permit for an enhanced production well is granted, all domestic and public water supply wells located within a radius

of one-fourth (1/4) mile of any enhanced recovery well shall be tested prior to beginning injection, and thereafter annually, for the presence of deleterious substances such as chlorides, sulfates and dissolved solids.

3. Such testing is the responsibility of the permittee and, at permittee's expense, to be conducted by a person approved by the building official. Said building official shall be notified within five (5) days in advance of such testing and may be present therefor. Test results shall be filed with the Town upon completion. If the permittee is unable to comply with the required tests, the permittee shall submit a written statement specifying the reasons for noncompliance.

Section 5-909 COMMENCEMENT OF DRILLING OPERATIONS.

Prior to the commencement of drilling operations upon a well site, written notice must be given to the building official and his approval must be obtained.

Section 5-910 DERRICKS AND RIGS.

A. General Requirements:

1. It shall be unlawful for any person to use or operate in connection with the drilling or reworking of any well within the Town, any wooden derrick or any steam powered rig; or to permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than sixty (60) days after completion or abandonment of the well.

2. All engines required for operations after the well has been completed as a producing well shall be electrically powered by electricity produced by a regulated public utility.

3. All rigs must be of a type using mud as a drilling fluid.

4. The permittee shall keep a watchman on duty on the premises at all times during drilling and/or completion operations from the start of the erection of the derrick, or a mast, or gin pole, until the well is abandoned and plugged, or completed as a producing well and enclosed within a fence as required hereafter; provided, that it shall not be necessary to keep an extra watchman on duty on the premises when other workmen of the permittee are on the premises.

B. Height: Derrick heights shall not exceed the maximum

allowable limit within the airport restriction zones of Christman Municipal Airport.

Section 5-911 MUD AND RESERVE PITS.

All mud pits used to circulate fluids in and out of the hole during drilling, reworking or completion procedures shall be made of steel. Pits used only as reserve shall be permitted to be earthen pits, fully lined with plastic, at least six (6) mils thick, into which only nondeleterious substances may be disposed. Deleterious substances may only be disposed of in a steel reserve pit. Both deleterious and nondeleterious substances shall be removed to a proper disposal facility within fifteen (15) days after completion of the well. Said disposal facility shall be one which is approved for disposal by the state corporation commission. No earthen or steel reserve pit shall be located within six hundred sixty feet (660') of any developed area, park, school, church, public building, or place of public assembly.

Section 5-912 DISPOSAL OF DELETERIOUS SUBSTANCES.

A. Pollution; Environmental Hazards: Disposal of deleterious substances shall not result in pollution of the waters or of the lands within the Town, shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.

B. Hazardous Substance Spill; Notice; Remedial Action: In the event of any leakage or spillage of any pollutant or any deleterious substance, whatever the cause thereof, the permittee shall promptly notify the county health department and the code enforcement department of the Town. If, in the judgment of the health department, such leakage or spillage represents a potential environmental hazard, said department may issue whatever corrective orders it deems appropriate, and, in addition, may require appropriate testing of the surface and subsurface for pollution, the costs of such test or tests to be borne by permittee.

C. State Rules And Regulations Adopted: Unless modified herein, the general rules and regulations of the oil and gas conservation division of the state corporation commission are hereby adopted by reference and have the same force and effect as if set forth at length herein. Not less than three (3) copies are now filed in the office of the Town Clerk.

Section 5-913 CASING.

A. Notice; Town Approval: Written notice must be given to the building official and his approval obtained prior to the installation of any surface casing.

B. Installation Requirements:

1. Surface casing shall be installed to a depth at least four hundred feet (400') below the surface or a depth of two hundred feet (200') below treatable water strata found within a one mile radius of the well site, whichever is deeper.

2. Surface pipe shall have a centralizer on the shoe joint, a centralizer within fifty feet (50') of the shoe joint, and centralizers no more than one hundred feet (100') apart above the second centralizer.

3. Such surface casing must be set as soon as the proper depth for the casing has been drilled and said operation shall not cease until the casing is set.

4. No drilling to production strata shall be done until after the casing operation is complete.

C. Cementing Of Surface Casing: Surface pipe shall be cemented by attempting to circulate good cement to the surface by normal displacement practices with sufficient cement to completely fill all the annular space behind such casing, to the surface of the ground. If cement cannot be circulated to the surface, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the service pipe until the top of the cement is tagged. The remaining uncemented annular space shall then be cemented until good cement is circulated to the surface. Cementing of this surface casing shall be performed as soon as the depth described in subsection B of this section is reached, and prior to drilling the well to deeper foundation.

D. Pressure Testing: After completion of the cementing of surface casing, such cement shall be allowed to set for at least twelve (12) hours. After such twelve (12) hours, blowout preventer shall be installed. The casing shall be tested to one thousand (1,000) pounds per square inch for a period of thirty (30) minutes. Drilling out operations shall not commence until after completion

of pressure test.

E. Cold Water Test: All casing, including surface protection and production strings, shall be either seamless steel or equivalent quality oil well casing. Each production string or casing must comply with the API standards as to internal pressure yield strength. Each joint and length of each particular casing string shall have unconditionally passed a complete cold water test prior to setting.

Section 5-914 VALVES AND BLOWOUT PREVENTERS.

No well shall be drilled within the Town limits without properly equipping the surface casing when set with at least one master valve, and without properly equipping the production casing when set with at least one master valve and one fluid operated ram-type blowout preventer; and without properly equipping the production casing during completion operations and work over operations with at least one master valve and one fluid operated ram-type blowout preventer. On each well drilled, a valve cock or kelly cock shall be installed on the kelly used. Each blowout preventer shall test one thousand (1,000) pounds, and its mechanical operation shall be tested to ensure proper and safe operation. All control equipment shall be in good working condition and order at all times.

Section 5-915 DRILL STEM TESTS.

All drill stem tests in connection with the drilling or reworking operations of any well within the Town limits shall be conducted during daylight hours. During the test, the well effluent which is produced must not be allowed to spill upon, flow across, or otherwise be allowed to cause pollution to the waters of the Town on the land within the Town. Adequate advance notice to the Town shall be required to enable a Town representative to be present and observe.

Section 5-916 BRADENHEAD.

Each well drilled within the Town limits shall be equipped with a bradenhead with the working pressure of not less than the pressure which a prudent operator would expect under the conditions known. The bradenhead shall not be welded except to surface pipe. Bradenheads installed on the surface casing shall be equipped with fittings having a working pressure rating of not less than the pressures which a prudent operator would expect under the conditions known. The bradenhead pressure shall be checked at least

once each calendar month, and if pressure is found to exist, proper remedial measures shall be immediately taken to eliminate the source and the existence of the pressure.

Section 5-917 CHRISTMAS TREE AND WELL HEAD CONNECTIONS.

A. Pressure Standards: The Christmas tree and well head connections on each well drilled within the Town limits shall have at least a minimum working pressure and a minimum test pressure which meets or exceeds the highest of the following three (3) standards:

1. State corporation commission regulations for wells of the applicable depth;

2. Environmental protection agency regulations for wells of the applicable depth;

3. The standards which would be used by a prudent operator for a well of the applicable depth.

B. Safety Valve: In the event the surface shut-in pressure of any well within the Town limits exceeds two thousand (2,000) pounds per square inch, the flow wing of the Christmas tree shall be equipped with an automatic closing and safety valve in addition to the regular valves.

Section 5-918 GASEOUS DISCHARGES TO ATMOSPHERE.

No gaseous discharges to the atmosphere will be permitted from any producing well. The permittee shall use well maintained and adequate equipment on site to gather any such gaseous discharge and prevent its being vented to the atmosphere during the collection process, storage process, or transportation within the Town limits. Flaring will be permitted for testing purposes and as needed to complete the well; however, commencing ninety (90) days after drilling operations on the well cease, no flaring of gas will be permitted. All such gas must be captured, and reinjected or collected in a low pressure system.

Section 5-919 PREMISES KEPT CLEAN AND SANITARY.

A. Removal Of Rubbish: The premises shall be kept in a clean and sanitary condition, free from rubbish of every character, to the satisfaction of the health officers of any public body, at all times drilling operations or reworking operations are being conducted, and as long thereafter as oil or gas is being produced

therefrom.

B. Storage Of Pipe, Equipment: The well site shall not be used for the storage of pipe, equipment (except for that equipment required for safety purposes), or materials, except during the drilling or servicing of the well or of the production facilities.

C. Closing Of Open Holes: All open holes excavated during drilling or completion operations shall be closed when operations are completed or the well is abandoned.

Section 5-920 MOTIVE POWER AND MUFFLERS.

The motive power for all operations after completion of drilling operations shall be electricity produced off site.

Section 5-921 STORAGE TANKS.

A. Use Restricted: No person shall use, construct, or operate in connection with any producing well within the Town limits any crude oil storage tanks, except to the extent of three (3) steel or fiberglass tanks for oil or water storage, not exceeding five hundred (500) barrels' capacity each, and so constructed and maintained as to be vapor tight or otherwise properly vented.

B. Fire Wall: Each tank shall be surrounded by an earthen fire wall at such distance from the tanks as will, under any foreseeable circumstances, hold and retain at least one hundred fifty percent (150%) of the maximum capacity of such tank.

C. Steel Conventional Separator: The permittee may use, construct, and operate a steel conventional separator, and such other steel tanks and appurtenances as are necessary for treating oil, with each of such facilities to be so constructed and maintained as to be vapor tight. Each oil/gas separator shall be equipped with both a regulation pressure release safety valve and a bursting head and shall be vented into a vessel of sufficient capacity to contain any discharge.

D. Location: No such tanks may be located within three hundred feet (300') of a residence on a platted lot or parcel of land; or within three hundred feet (300') of any building or structure not owned by the permittee, or permittee's employees and contractors; or within three hundred feet (300') of a fresh water well, unless said well is owned by the permittee or leaseholder of the drilling site and/or was drilled by the permittee for

utilization in the drilling or production process.

Section 5-922 FENCING, LANDSCAPING.

A. Fencing Requirements:

1. Any person who completes any well for production shall enclose said well, together with all surface facilities and storage tanks and any other facilities and appurtenances thereto, by a substantial fence properly built so as to ordinarily keep persons and animals out of the enclosure.

2. All gates thereto shall be kept locked when the permittee or his employees are not within the enclosure.

3. Nothing herein mandates all such facilities be within the same fenced area and the Town Administrator or his designate shall be authorized to approve any plan which he believes ordinarily protects persons and animals from danger.

4. Said fence must be erected within ten (10) days after the completion of the well.

B. Screening Requirements: Screening shall be required in areas of operation which are in any developed area or within one thousand feet (1,000') of any developed area, park, school, church, public building or place of public assembly. Landscaping shall include screening by a fenced enclosure of at least eight feet (8') in height and constructed of one of the following materials:

1. A solid masonry wall.

2. A chainlink fabric with three and one-half inch (3 ½") mesh interwoven with redwood slats or other opaque materials for use with chainlink fabric when such materials are compatible with surrounding uses and effectively screen the oil operation.

3. Any other material, including trees and shrubs, compatible with surrounding uses, which effectively screen the oil operation site.

4. All fencing, masonry walls, redwood slatting, or other comparable materials for use with chainlink fabric, shall be of a solid neutral color, compatible with surrounding uses, and maintained in a neat, orderly, secure condition. Neutral colors shall include sand, grey, and unobtrusive shades of green, blue and brown.

C. Setbacks: Minimum setbacks for all screening shall in no case be less than twenty five feet (25') from the ultimate right of way of any public street as defined in the transportation plan of the Town.

D. Screening Plan Submittal; Approval:

1. Prior to the issuance of any permit, a screening plan which meets the requirements of this Article shall be submitted for review and approval by the Town Administrator or his designate.

2. Within sixty (60) days after completion of drilling or redrilling, or within sixty (60) days after conversion of an abandoned well, any oil operation site in an area as described in subsection A of this section shall be landscaped in conformance with the plan, as approved, and the specification contained in this Article.

Section 5-923 MOVEMENT OF HEAVY EQUIPMENT.

A. Written Permission Required: No person shall move or cause to be moved over or across any paving or paved street or alley within the Town, any piece of machinery of extreme weight which exceeds the design limits of such pavement without first having obtained express written permission from the Town engineer.

B. Movement Regulated: Heavy equipment or vehicles used in the actual transportation of oil, gas, or deleterious substances shall only be moved or caused to be moved upon "arterial streets" as defined in the adopted transportation plan of the Town, or upon private roads, or upon written approval from the Town engineer.

C. Surfacing Of Private Roads; Exception: Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the drill site itself shall be surfaced at least with crushed rock, gravel, or oiled and maintained to prevent dust and mud, except that such provisions shall not apply if such access road intersects with any unpaved road.

D. Cleaning Trucks, Town Roads: All trucks, equipment, or other vehicles used in connection with any operations on the drill site shall be cleaned prior to moving on any roads in the Town. Furthermore, operators of such trucks, equipment or other vehicles and the operator of any drill site shall clean any road in the Town upon which such trucks, equipment or vehicles travel, of any dirt deposited thereby upon such road. Failure by either the operator of

any such truck, equipment or other vehicle or of the operator of any drill site to comply with the provisions of this subsection shall be an offense.

Section 5-924 WELL LOCATION SETBACKS.

No permit shall be issued for the drilling of an original well, or the reentry of an abandoned well, at any location which is within three hundred feet (300') of any residence, residential or commercial platted lot, commercial or office building, producing fresh water well unless said well is owned by the permittee or lease holder of the drilling site and/or was drilled by the permittee for utilization in the drilling or production process or boundary line of any property adjacent to the well site. No well shall be drilled or operated within fifty feet (50') of any recovery heater, oil storage tank, or source of ignition nor within three hundred feet (300') of any building used as a place of public assembly, institution, church, or school. For the purposes of this section, the respective three hundred feet (300') shall be measured from any equipment, facilities, or appurtenances required for the oil and gas operations.

Section 5-925 NOISE, DUST, ODORS AND OTHER NUISANCES.

A. Reducing Nuisance And Annoyance:

1. All oil or gas drilling and production operations shall be conducted in such a manner as to eliminate, as far as practical, dust, noise, vibration, or noxious odors and shall be in accordance with the best accepted practices incident to the drilling for, and production of, oil, gas, and other hydrocarbon substances.

2. Proven technological improvements in exploration, drilling and production methods shall be adopted as they become, from time to time, capable of reducing factors of nuisance and annoyance in accordance with prudent practices in the industry.

B. Noise Reduction; Hours Of Operation: At the time of authorizing the permit or when renewal is granted, or at any time during the drilling operation, the Town may specify hours of operation to reduce or eliminate noise when drilling takes place within one thousand feet (1,000') of a hospital, rest home, school (including preschools and nurseries), church, or place of public assembly. These limits do not apply to emergency repairs necessary to meet safety requirements.

Section 5-926 FACILITIES; SIGN AND INFORMATION REQUIRED.

1. All lease equipment shall be painted and maintained in a good state of appearance. The facilities shall have posted in a prominent place a metal sign no less than two (2) square feet in area upon which the following information shall be conspicuous:

A. Permittee's name;

B. Lease name;

C. Location of the drill site by reference to the United States survey; and

D. Identifying number of the permit issued by the Town.

Section 5-927 FIRE PREVENTION.

The permittee shall provide adequate firefighting apparatus and supplies approved by the Town fire department on the drilling site at all times during drilling and production operations. All machinery, equipment, and installations on all drilling sites within the Town limits shall conform with such requirements as may from time to time be issued by the fire department.

Section 5-928 FRACTURE AND ACIDIZING.

On the completion of an oil or gas production well, where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters on any land.

Section 5-929 PLUGGING AND RESTORATION.

A. Responsibility For Plugging: The permittee and operator of any oil, gas, injection or other service well, or any seismic core or other exploratory hole, whether cased or uncased, shall be jointly and severally liable and responsible for the plugging thereof, in accordance with the rules and regulations of the corporation commission of the state of Oklahoma and the environmental protection agency. No surface casing nor conductor string may be pulled or removed from the well.

B. Intention To Plug, Copy Filed With Town; Notice:

1. A copy of "intention to plug" for each well shall be filed with the building official at least forty eight (48) hours

prior to the commencement of plugging operations.

2. The plugging operator shall notify the building official of the exact time or times during which all plugging operations will take place to enable the building official to be present if he so chooses.

3. The building official may waive or reduce the forty eight (48) hour notice requirement whenever a qualified representative of the conservation division of the corporation commission of the state of Oklahoma is available to supervise the plugging operation.

C. Record Sent To Building Official: A copy of the plugging record will be sent to the building official no later than thirty (30) days after a well has been plugged.

D. Restoration Of Lands Upon Ceasing Of Operation: Within thirty (30) days of ceasing operations voluntarily or of abandonment, all lands upon which a drilling or production operation was conducted shall be restored as nearly as practicable to the previous topography by the permittee and the operator.

E. Failure To Comply; Plugging And Restoration By Town: Upon the failure to comply with this section, the Town (directly or under contract with others) may proceed to plug the well, restore the surface and recover its costs under the bonds.

Section 5-930 RUPTURE OF SURFACE CASING.

In the event a rupture, break, or opening occurs on the surface or production casing, the permittee, the operator, and the drilling contractor shall each take action to repair it, and shall each report the incident to the Town promptly. Actual repairs and actual reporting to the Town by one shall be considered adequate; however, a mistaken belief held in good faith that others have performed as required does not relieve the permittee, the operator, or the drilling contractor of their independent obligations, nor does it provide a defense to a prosecution for violation of this section.

Section 5-931 DEPOSITING HAZARDOUS MATERIALS.

A. Deposits Prohibited: No person shall deposit, drain, or divert intentionally, negligently or accidentally into or upon any public highway, street, alley, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond, or lagoon, any hazardous materials, deleterious substances, or pollutants, or in

any manner permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased, or controlled by such person; nor shall any person allow such substances to flow or be carried onto or upon any public highway, street, alley, paving, drainage ditch, storm drain, sewer, gutter, creek, stream, river, lake, pond, or lagoon within the Town.

B. Violation; Liability For Cleanup And Costs: Any person or property owner who commits a violation of this section shall be liable for the proper mitigation, cleanup, disposing, and transportation of the materials to a regulated hazardous materials dump site at a maximum rate of two hundred fifty dollars ($250.00) per hour per Town vehicle used in the cleanup, disposing or transporting of such materials, plus the actual cost of any supplies, equipment and/or materials used by the Town. If it is necessary for the Town to hire independent contractors to assist in the cleanup, the person or property owner who commits such a violation shall remit to the Town the cost of any necessary supplies, equipment, materials and/or services.

Section 5-932 SAFETY PRECAUTIONS.

A. Precautions For Protection Of Public: Persons drilling, operating, or maintaining a well shall use all necessary care and take all precautions which are reasonably necessary under the circumstances to protect the public.

B. Compliance With Article; Minimum Requirements: Provisions of this Article shall be deemed to be the minimum requirements for the preservation of the public peace, health, safety, and welfare; compliance with the terms hereof shall not be deemed to relieve any person of any additional duty imposed by law.

C. Sign Required: A sign measuring twenty four inches by thirty inches (24" x 30"), containing the name, address, and emergency phone number of the oil producing company and operator shall be posted prominently on the gate to the well site.

Section 5-933 APPEALS.

A. Right To Appeal; Variance:

1. Whenever the building official shall reject or refuse to approve a permit, the operator, or his duly authorized agent, may appeal from the decision of the building official to the zoning board of adjustment.

2. A variance granted under this section authorizes the building official to issue an oil and gas drilling and production permit.

3. When the appellant files a request for appeal on the basis of written certification as herein provided and has not otherwise met the permit application requirements of this Article, a variance granted under this section authorizes the building official to issue a permit only at such time as all other requirements for permitting have been met.

B. Notice Of Appeal:

1. Notice of appeal shall be in writing, stating the basis for appeal, and filed within twenty (20) days after the decision is rendered by the building official.

2. The Town clerk shall receive notice of appeals on behalf of the board of adjustment and shall forward said notices to the clerk of the board of adjustment.

C. Jurisdiction Of Board Of Adjustment; Filing Fee: The board of adjustment shall have jurisdiction to act on appeals as authorized by this section upon payment of a filing fee in the amount of $100.00 at the office of the Town Clerk.

D. Publication; Notice To Abutting Property Owners:

1. The notice of appeal shall be published at least once in a newspaper of general circulation in the Town, not less than twenty (20) days prior to the date of hearing of the board of adjustment.

2. In addition thereto, such notice shall be mailed by the Town clerk to all record owners of property within a three hundred foot (300') radius of the exterior boundary of the drilling site not less than twenty (20) days prior to the date of hearing. The names and addresses of property owners within a three hundred foot (300') radius shall be determined by a certificate provided by the applicants from a licensed and bonded abstracting company.

3. The applicants shall pay the Town in advance for the actual expenses of the mailed notice and certificates of mailing in addition to any fees due.

E. Notice To Hospitals, Schools: All hospitals and schools, whether public or private, shall be entitled to notice by mail, as

described above, if they are within one-half (½) mile of the exterior boundary of the lease.

Section 5-934 ZONING AND USE OF THE TOWN'S BULK WATER.

A. Permits shall be issued only on unplatted land zoned Agricultural District, I-1 Restricted Manufacturing and Wholesale District and I-2 General Industrial District, or as provided by subsection 5-906A of this Article.

B. Any person governed by the terms of this Article, shall purchase bulk water from the Town at its applicable rate for all operations governed by the terms of this Article.

Section 5-935 VIOLATIONS.

It shall be unlawful and an offense for any person to violate, or fail to comply with, any provisions hereof irrespective of whether or not the verbiage of each such section contains specific language that such violation or failure is unlawful or is an offense. Any person who shall violate any of the provisions of this Article, or any of the provisions of the drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this Article, or who shall neglect to comply with the terms thereof, shall be deemed guilty of an offense. Violation of each separate provision of this Article, and each separate provision of the permit, and each separate provision of the bond, shall be considered a separate offense; and each day's violation of each separate provision hereof shall be considered a separate offense.

Note: This Article was adopted pursuant to Ordinance No. 2008-3 approved on May 20, 2008.

ARTICLE 10

PENALTY

SECTION 5-1001 PENALTY.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of any

code adopted by this chapter, or who shall violate any lawful regulation or order made by any officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and is punishable as such.

SECTION 5-1002 RELIEF IN COURTS.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the town to apply to the proper courts of the state for a mandamus, injunction or other appropriate action against such person, firm or corporation that violates any provision of this chapter.

SECTION 5-1003 SUSPENSION OR REVOCATION OF REGISTRATIONS ISSUED BY Town.

A. The mayor and board of trustees may suspend or revoke any plumbing, electrical, mechanical or other registration issued pursuant to this Chapter, if it finds that the holder has:

1. Made a material misstatement in the application for any registration or renewal thereof;

2. Loaned or illegally used his registration;

3. Violated any provision of this code; or

4. Committed any act specified in this code as grounds for suspension or revocation of any registration.

B. Complaints against any person registered pursuant to this chapter shall be filed with the town clerk and thereafter investigated by the appropriate town department head, or his designee. All complaints shall be in writing, signed and duly verified; provided however, this procedure shall not be exclusive and shall not preclude the filing of a complaint in the municipal court.

C. The person against whom the complaint is signed shall be entitled to a public hearing before the mayor and board of trustees. Within ten (10) days after the filing of a written complaint, the appropriate town department head shall serve written notice of the complaint upon the registered person. The notice shall be served personally or by certified mail (return receipt requested). If the notice is served personally it must be served

at least ten (10) days prior to the scheduled hearing. If the notice is served by mail it must be postmarked at least ten (10) days prior to any scheduled hearing. The notice shall include:

1. A statement of the time, place and nature of the hearing;

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular sections of this code and rules involved;

4. A copy of the complaint;

5. A statement that the accused has a right to a public hearing in his defense at which time he may respond to the allegation in the complaint by his testimony, the testimony of witnesses or other admissible evidence;

6. A statement that the individual has a right to be represented by legal counsel and a right to confront his accusers; and

7. A statement that based upon the evidence presented at the hearing, the mayor and board of trustees shall decide to either dismiss the complaint or recommend the suspension or revocation of the registration.

D. All writings or documents admitted into evidence shall become a part of the record of the proceedings. A party or members of the board may conduct direct and cross examinations required for a full and true disclosure of the facts. After all evidence has been submitted, the mayor and board of trustees shall vote to either dismiss the complaint or suspend or revoke the registration. A suspension shall include a recommendation for a time period during which the registration is to be suspended; provided however, that a registration cannot be suspended for a period of time exceeding six (6) months.

CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

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CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

Section 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court not of record of the Town of Okeene Oklahoma, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinances of this Town, the provisions of this chapter shall control.

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Section 27-101 to 27-132.

Section 6-102 DEFINITIONS.

As used in this chapter, unless the context required a different meaning, the following words shall have the meanings ascribed to them in this Section:

1. "Chief of police" means the peace officer in charge of the police force of the municipality;

2. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;

3. "Court" means the municipal court of the Town of Okeene;

4. "Governing body" means the Town Board of Trustees for the Town of Okeene;

5. "Judge" means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter;

6. "Municipality" or "this municipality" means the Town of Okeene, Oklahoma; and

7. "This judicial district" means the district court

judicial district of the State of Oklahoma wherein the government of this municipality is situated.

Section 6-103 JURISDICTION OF COURT.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this municipality is charged, including any such prosecutions transferred to the court in accordance with applicable law.

Section 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. The mayor, with the consent of the governing body, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in Blaine County or in an adjacent county; or

2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the Town of Okeene; or

3. Any suitable person who resides in the Blaine County or in an adjacent county.

The judge may serve as judge of other municipal courts, if such service may be accomplished consistently with his/her duties as judge of this court, with the consent of the Mayor and Board of Trustees. A judge should have a good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but the judge shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein.

Section 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years expiring on the 11th day of February of each odd-numbered year and until a successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term.

Section 6-106 RESERVED.

Section 6-107 APPOINTMENT AND COMPENSATION TO JUDGES.

A. Judges and alternative judges shall be appointed by the mayor with the consent of the governing body.

B. All judges shall receive compensation as set by the governing body by motion or resolution.

Section 6-108 DISQUALIFICATION OF JUDGE.

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify disqualification or may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate judge appointed as provided in this chapter.

Section 6-109 PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS.

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the Town in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the Town, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the Town or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars ($20.00).

Section 6-110 MUNICIPAL COURT CLERK.

The municipal court clerk and/or deputy shall be appointed by the Town Administrator, with Board of Trustee approval, and shall be independent of the municipal police and judicial department. The clerk of the court shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;

2. Administer oaths required in judicial or other proceedings before the court;

3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;

4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and

5. Receive and give receipt for and disburse or deliver to the municipal treasurer or to other Town personnel all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

Section 6-111 MUNICIPAL ATTORNEY AS PROSECUTOR.

The municipal attorney of the Town may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court.

Section 6-112 BOND OF CLERK.

The court clerk of the court shall give bond in the amount of One Thousand Dollars ($1,000.00), in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

Section 6-113 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court.

Section 6-114 ENFORCEMENT OF RULES.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed while holding court, or committed against process issued by any authorized person, in the same manner and to the same extent as the district courts of this state.

Section 6-115 PROSECUTIONS BY VERIFIED COMPLAINT.

A. All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The Town of Okeene vs. _____ (naming the person charged.)"

B. The information shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

> "I, the undersigned issuing office, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

Section 6-116 CREATION OF VIOLATIONS BUREAU.

A. There shall be established a violations bureau for the Town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the violations bureau.

B. The violations bureau shall accept fines which may be paid in lieu of a court appearance for such offenses as may be designated by the judge under the court's rules. The schedule of

fines shall be as set out in Section 1-110. A copy shall be kept in the clerk's office.

C. Payment of any fine to the violations bureau shall be deemed a final determination of the cause against the defendant.

D. If a defendant who has elected to pay a fine under this Section fails to do so, prosecution shall proceed under the provisions of this chapter.

Section 6-117 TRAFFIC BAIL BOND PROCEDURES.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States which is a participant of the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

d. Eluding or attempting to elude a law enforcement officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on person recognizance as provided for in subsection A of this Section, then the arresting officer shall:

1. Designate the traffic charge;

2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;

3. Record the motor vehicle make, model and tag information;

4. Record the arraignment date and time on the citation; and

5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the assigned's promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's drivers license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An

arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection D of this Section. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required by the Town or as provided in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendre as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

E. If, pursuant to the provisions of subsection D of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

2. The defendant has failed to appear for arraignment without good cause shown;

3. The defendant has not posted bail, paid a fine, or made

any other arrangement with the court to satisfy the citation; and

4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;

2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this Section or if released, was not permitted to remain on such personal recognizance for arraignment;

3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if defendant personally appears, or shall make such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or as such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court

clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

Section 6-118 EXCEPTIONS TO BAIL BOND PROCEDURE.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 6-117, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to Section 27-118 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 6-117 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this Section, but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this Section; or

2. Place any other traffic offender into custody:

   a. Who is injured, disabled, or otherwise incapacitated;

   b. If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or

   c. If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date

and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

Section 6-119 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified.

Section 6-120 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which Section 6-117 does not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

1. That the person may cause injury to himself or others or damage to property if released;

2. That the person will not appear in response to the citation; or

3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this Section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

Section 6-121 SUMMONS FOR ARREST.

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place or residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

Section 6-122 FORM OF ARREST WARRANT.

A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this municipality or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The Town of Okeene to the Police Chief of Okeene, Oklahoma

Complaint upon oath having this day been made by (naming complainant) that the offense (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above-named defendant and bring the above named (name of defendant) before me, at the municipal courtroom,

Witness my hand this _____ day of _____, 20____.

_____
Judge of the Municipal Court
Okeene, Oklahoma

B. It is the duty of the police chief, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible.

Section 6-123 PROCEDURES FOR BAIL OR BOND.

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars ($10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and be amended from time to time.

Section 6-124 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

Section 6-125 TRIALS AND JUDGMENTS.

A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

B. The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty

within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.

F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars ($5.00) of fine or as set out in Subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

Section 6-126 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The names of no more than three (3) witnesses;

2. That the defendant, by reason of poverty, is unable to provide the fees allowed by law;

3. That the testimony of the witnesses is material; and

4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

Section 6-127 SENTENCING.

A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes. For all offenses which impose a fine of more than Two Hundred Dollars ($200.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the Town; effective on and after November 1, 2006, the maximum fine requiring a jury trial if demanded shall be a fine greater than Five Hundred Dollars ($500.00), excluding court costs.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. If the municipal judge is not a licensed attorney but has complied with the education requirements of subsection 11 O.S. §27-104F and the education requirements of 47 O.S. §18-101, the maximum fine that the judge may impose shall be Five Hundred Dollars ($500.00). No Town ordinance may impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars ($200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars ($800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars ($750.00). The court shall remit Fifty Dollars ($50.00) of each alcohol fine or deferral fee to a restricted cash account of the Town that shall be used to

defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.

Section 6-128 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

B. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one day of imprisonment under his sentence.

D. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefore.

E. Costs of Incarceration to be collected.

1. For purpose of this section, "Costs of incarceration" shall mean the costs of booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. The costs for incarceration shall be determined by the chief of police for city jails and by applicable contract provision (between the City and County) for county jails. A notice of such costs shall be provided to the defendant.

3. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The court clerk shall be notified of any amount collected.

4. Costs of incarceration shall be a debt of the defendant owed to the municipality responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty. Jail fees shall not exceed Three Thousand Dollars ($3,000.00).

F. Any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the City, subject to direction by the Town Administrator or other proper officer, at a rate per day of Twenty-five Dollars ($25.00) per day for useful labor, until the fine or costs are satisfied.

Section 6-129 COSTS.

Costs in the amount of Thirty Dollars ($30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the Town attorney, excepting parking, standing and seatbelt violations but not to include violations of children restraint systems. Court costs in the amount of Thirty Dollars ($30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the defendant pleads guilty or no contest before the traffic violations bureau.

State Law Reference: Costs, 11 O.S. Section 27-126; suspension of judgment or costs, 11 O.S. Section 27-123.

Section 6-130 PENALTY ASSESSMENTS

A. For purposes of this section, the word "convicted" shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars ($10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

1. Nine Dollars ($9.00), less 5.85% of such amount which may be retained and deposited into the City's General Fund. and with the balance paid into certain CLEET Funds as provided by 20 O.S. 1991 Section 1313.2

2. Three Dollars ($3.00) less $0.30 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25. Effective November 1, 2004, Five Dollars ($5.00) less $0.50 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25.

3. Five Dollars ($5.00) less $0.25 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to as a Forensic Science Improvement Assessment.

C. Any person convicted of possession of marijuana shall be ordered by the court to pay Five Dollars ($5.00) (less $0.08 of such amount which shall be retained and deposited into the Town's General Fund), with the balance paid to the Bureau of Narcotics Drug Education Revolving Fund.

D. These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law.

State Law Reference: Similar provision, 20 O.S. Section 1313.1 through 1313.3.

Section 6-131 ISSUANCE OF SUMMONS AND WARRANT.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain, containing a provision for the official

return of the summons, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear to answer the summons within the prescribed period, a warrant shall be issued for his arrest.

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law.

State Law Reference: Complaints, 11 O.S. Section 27-115.

Section 6-132 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.

When application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail.

Section 6-133 MALICIOUS PROSECUTION; COSTS.

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding, and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid.

Section 6-134 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR.

A. It shall be unlawful for any person to violate his written promise to appear in the municipal court given to an officer upon the issuance of any promise or notice to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. It shall be unlawful for any person to fail to appear in the municipal court pursuant to any notice to appear.

C. A written promise or notice to appear in the municipal court may be complied with by an appearance by counsel.

Section 6-135 DISPOSITION AND RECORDS.

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which Town attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants.

Section 6-136 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence, provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

Section 6-137 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

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CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

Finance and Budget Administration

DIVISION 1

General Provisions

SECTION 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.

All banks which are incorporated under federal or state law, and other institutions approved by the mayor and Board, may be designated as depositories for the funds of the town. The Town Clerk, or designee, shall deposit daily all public funds received by him in such banks.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S. Section 12-110.

SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

The deposits of the town shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, 62 O.S. Sections 516.1 et seq.

Section 7-103 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS-EMPLOYEES OF FINANCIAL INSTITUTION

A. Except as otherwise provided by this Section, no municipal officer or employee, or any business in which the officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the municipality;

2. Contracting with the municipality; or

3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

B. The provisions of this section shall not apply to any officer or employee of any municipality of this state with a population of not more than five thousand (5000) according to the latest Federal Decennial Census, who has a proprietary interest in a business which is the only business of that type within five (5) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Twenty-five Hundred Dollars ($2500.00) for any single activity and shall not exceed Fifteen Thousand Dollars ($15,000.00) for all activities in any calendar year. Provided, however, such activity may exceed Fifteen Thousand Dollars ($15,000.00) per year if the municipality purchases items therefrom that are regularly sold to the general public in the normal course of business and the price charged to the municipality by the business does not exceed the price charged to the general public.

C. Provisions of this section shall not apply where competitive bids were obtained consistent with municipal ordinance or state law and two or more bids were submitted for materials, supplies, or services to be procured by the municipality, regardless of the population restrictions of Subsection B of this section, provided notice of bids was made public and open to all potential bidders.

D. All bids, both successful and unsuccessful, and all contracts requiring bonds shall be placed on file and maintained in the main office if the awarding municipality for a period of five (5) years from the date of opening of bids for a period of three (3) years from the date of the completion of the contract, whichever is longer, shall be open to public inspections and shall be matters of public record.

E. For purposes of this Section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters into, recommends or participates in the decision to enter into any transaction described in subsection A of this Section. Any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of the person, or any business in which the person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless the surplus property is offered for sale to the public after notice of the sale is published. For purposes of this Section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock

therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust.

F. Any person convicted of violating the provisions of this Section shall be guilty of an offense. Any transaction entered into in violation of the provisions of this Section is void. Any member of a governing body who approves any transaction in violation of the provisions of this Section shall be held personally liable for the amount of the transaction.

G. Notwithstanding the provisions of this Section, any officer, director or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which they are associated and the public body in which they serve.

Note: This section was amended by Ordinance No. 2012-04 on August 14, 2012.

SECTION 7-104 PETTY CASH

A. General Rules

1. As provided for in Title 11 O.S., Section 17-102(D), the Town may have petty cash amounts for use in making certain small payments for costs incurred in operating the Town.

2. Each petty cash amount established shall require governing body approval, including the imprest amount of the petty cash amount. However, in no case should the imprest balance exceed $250.00.

3. The petty cash amount shall be reimbursed by utilizing properly itemized invoices in the manner used for payment of purchases of goods and services. In no case shall an individual payment from petty cash exceed $50.00 unless approved by the Town Administrator.

SECTION 7-105 PURCHASE ORDERS.

A. All officers and employees having authority to purchase or contract against all budget appropriation accounts as authorized by law shall request approval from the Town Administrator.

B. After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice.

Such invoice shall state the supplier's name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, its total price, the total of the purchase and the date of the purchase. The appropriate municipal officer shall attach the itemized invoice together with delivery tickets, freight tickets or other supporting information shall submit the invoices and other supporting data for consideration for payment by the Board of Trustees. All invoices submitted shall be examined by the Board of Trustees to determine their legality. The Board of Trustees shall approve such invoices for payment in the amount the Board determines just and correct.

C. In addition to the authority provided hereinabove, the Mayor is hereby authorized to sign all municipal checks along with the Town Administrator and to approve payments of invoices without prior Board approval, including but not limited to those times necessary to avoid late payment penalties, provide for payment of C.O.D.'s, emergency purchases to take advantage of discounts, to attend and bid at private or public auctions, or pursuant to any provision in any contract which has heretofore been approved by the Board of Trustees. Such payments made pursuant to this subsection by the Mayor shall be approved and executed by the Mayor and the Town Clerk or Town Treasurer. Except for emergency purchases, no payments made pursuant to this section shall exceed the expenditure classification of the respective department as approved in the current budget. Such payments shall be placed on the next regularly scheduled Board meeting under the category of Prepaid Invoices or Payments.

SECTION 7-106 AFFIDAVIT FOR ALL CONTRACTS OVER TWENTY-FIVE THOUSAND DOLLARS ($25,000.00).

A. Except as provided in subsection B of this section, on every invoice submitted to the town, or a trust having the town as its sole beneficiary for payment to an architect, contractor, engineer or supplier of material of Twenty-five Thousand Dollars ($25,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
) ss
COUNTY OF BLAINE)

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that

the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

_____
(Contractor, supplier, engineer or architect)

Subscribed and sworn to before me this ___ day of ___, 20__.

_____
Notary Public (or Clerk or Judge)

B. Any municipality executing a contract with any architect, contractor, supplier or engineer for work, services or materials which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, may require that the architect, contractor, supplier or engineer complete a signed and notarized affidavit in substantial form as provided by subsection A of this section which shall apply to all work, services or materials completed or supplied under the terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required in subsection A of this section.

SECTION 7-107 PAYROLL DISBURSEMENTS

A. For all employees and officers of the Town of Okeene, a documented record shall be maintained in a personnel file of the authorized rate of pay or salary for each employee and officer.

B. For each pay period, a record of time worked shall be prepared in the form of time sheets or logs for each employee and officer to be paid. Such record of time worked shall be verified as to its accuracy in writing by the employee or officer and the Town Administrator.

C. Upon verification of the work record, a payroll register including the amount of gross pay, authorized deductions, and the net pay shall be prepared by the bookkeeper.

D. The net payroll checks shall be prepared for the payroll register, along with checks for payment of related payroll taxes and other payroll benefits required by law or contract.

E. The payroll checks and the payroll register shall be reviewed by the bookkeeper who shall compare the payroll checks to the payroll register and verify their accuracy. Upon verification, the checks will be provided to the Town Clerk and two authorized check signers shall sign the checks. The bookkeeper shall then record the checks in the general ledger.

F. The payroll register shall be provided to the governing body for informational purposes at the next regular meeting; however, governing body approval is not required prior to payment of payroll relating costs if incurred and paid in accordance with the provisions above.

SECTION 7-108 PURCHASES OF GOODS AND SERVICES OTHER THAN PAYROLL AND PAYROLL RELATED.

A. The following employees or officers have been designated as purchasing officers empowered to purchase or contract against budget appropriations accounts:

1. Town Administrator
2. Public Works Superintendent
3. Police Chief
4. Parks and Recreation Superintendent
5. Fire Chief
6. Pool Manager
7. Head Librarian

B. The officer or employee receiving satisfactory delivery of merchandise or contract services shall acknowledge such fact by signing the invoice or delivery ticket. The invoice, along with delivery ticket if applicable, must then be verified by the authorized purchasing officer as to quantities, services and prices. If correct, the invoice must then be signed by the authorized purchasing officer and coded with the fund(s) and budget line item(s) to be charged.

C. The bookkeeper shall review all invoices for proper signatures and appropriateness of fund(s) and budget line item(s) to be charged. Upon acceptance of the invoices, the bookkeeper shall prepare checks in payment of the invoices, and shall cancel each invoice the date paid, the check number used to pay the invoice and the amount paid with the check.

D. The invoices and checks shall be presented to Town Administrator who shall compare the checks to the invoices and verify their accuracy. Upon verification, two (2) authorized check

signers shall sign the checks. For the purpose of Library Fund Line Item expenditures, the two authorized check signers shall be the person that holds the position of Treasurer of the Library Board and the person that holds the position as Library Board President. For the purpose of all other town expenditures, any two of the following persons are authorized check signers: the person that holds the position of Mayor, the person that holds the position as Vice Mayor and the person that holds the position as Town Administrator. The bookkeeper shall record the checks in the general ledger and shall prepare a check register. The check register shall list in check date, check number, vendor and check amount.

E. The check register shall be provided to the governing body for informational purposes at their next regular meeting; however, governing body approval is not required prior to payment of invoices if paid charges were incurred and paid in accordance with the provisions above.

F. For all purchases of good and services (other than payroll and related) over $5000.00, with notification to the governing body for expenditures over $3000.00, purchase orders or contracts shall be prepared and approved by the governing body prior to the time the purchase commitment is made, and such approval shall be recorded in the minutes of the governing body. Additionally, the Town Clerk shall immediately determine that there exists available unencumbered appropriation in the accounts to be charged, and such determination shall also be recorded in the minutes. Should appropriation not be available for the proposed purchase or commitment, the purchase or commitment shall not proceed until the necessary budget amendments are authorized.

G. Town Administrator Authorized to Make Certain Payments without Town Board Action. Town Administrator is authorized to make certain payments without prior governing body approval. In addition to the authority provided hereinabove, the Town Administrator is hereby authorized to approve payments of invoices without prior Board approval, including but not limited to those times necessary to avoid late payment penalties, provide for payment of C.O.D.'s, emergency purchases, to take advantage of discounts, to attend and bid at private or public auctions, or pursuant to any provision in any contract which has heretofore been approved by the Board. Except for emergency purchases, no payments made pursuant to this Section shall exceed the expenditure classification of the respective department as approved in the current budget. Such payments shall be placed on the next regularly scheduled Board meeting under the category of Prepaid Invoices or

Payments.

H. Waiver of Competition Bidding. The Town Board may waive the requirement for competitive contractual bidding for the purchase of supplies, materials, equipment or contractual services (other than contracts required to be bid pursuant to Section 7-111) when (i) some material feature or characteristic of the item or service sought to be purchased is unique, (ii)the item or service is available from only one source or (iii) for any reason should same be deemed necessary in the public interest, and the Town Administrator certifies in writing such specific facts or reasons for the waiver. A full and complete statement of the reasons for approving such waiver of competitive bidding shall be entered in the minutes of the Town Board. Nothing in this subsection shall be construed to prohibit emergency purchases made in accordance with Section 7-113 of this Division

Note: This Section was amended by Ordinance No. 2012-01 approved on February 14, 2012 and by Ordinance No. 2017-19 approved on the 11th day of July 2017.

SECTION 7-109 INTERFUND TRANSFERS

1. All transfers between funds shall be made in accordance with governing body appropriations as reflected in the original or amended Town budget.

2. Once lawfully appropriated, interfund transfer payments may be made by the Town Treasurer without further governing body approval in the manner used for payment of purchases of goods and services.

SECTION 7-109A DEBT SERVICE

1. All long-term indebtedness in the form of bonds, notes, or lease purchase obligations shall be incurred in the manner provided by law.

2. Once lawfully incurred, the Town Clerk shall make payment of principal and interest on the debt in accordance with the terms specified by the lender without further approval of the governing body.

3. The manner of payment shall be consistent with the manner used for payment of goods and services.

4. Current balances on outstanding debt shall be maintained

by the bookkeeper in the general ledger.

SECTION 7-109B FINANCIAL REPORTING

1. The Town bookkeeper shall prepare written monthly financial reports which disclose at least all receipts and expenditures by fund in the same format as the approved budget and showing the variance of the budget.

2. The financial reports shall be placed on the agenda for acknowledgment by the governing body at each regular meeting.

SECTION 7-109C APPLICABILITY TO PUBLIC TRUSTS

1. For all public trusts created pursuant to Title 60 O.S., Sections 176-180, for which the Town is beneficiary and for which the trust's board of trustees is comprised entirely of the member of the Town's board of trustees, all sections of this division shall apply.

2. For the purposes of public trusts as defined above, the Town Clerk shall mean the Trust Secretary and Town Treasurer shall mean Trust Treasurer as defined by the trust indenture.

DIVISION 2

COMPETITIVE BIDDING

SECTION 7-110 DEFINITIONS.

For the purposes of this Division, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Town" means this town and means the town government in all its forms, including not only the town departments but also any agency, the board of trustees, or other persons or entities acting for or on behalf of the town.

2. "Emergency" means the conditions resulting from a sudden unexpected happening or unforeseen occurrence or a condition and situation wherein the public health or safety is in endangered;

3. "Public construction contract" or "contract" for purposes of Section 7-111 and the Public Competitive Bidding Act of 1974, as amended (hereinafter the "Act"), shall mean any contract, exceeding Fifty Thousand Dollars ($50,000.00) in amount, awarded by the Town

or any of its public trust authorities for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance on to same, except where the improvements or buildings leased to a person or other legal entity exclusively for private and not for public use and no public tax revenues shall be expended on or for the contract unless the public tax revenues used for the project are authorized by a majority vote of the applicable public agency voting at an election held for that purpose and the public tax revenues do not exceed twenty-five percent (25%) of the total project cost. The amount of public tax dollars committed to the project will not exceed a fixed amount established by resolution of the governing body prior to or concurrent with approval of the project;

4. "Public improvement" means any beneficial or valuable change or addition, betterment, enhancement or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or adapt it to new or future purposes. The term does not include the direct purchases of materials, provided the materials are not purchased in increments for an amount less than Fifty Thousand Dollars ($50,000.00) and used for the purposes of completing a single project, equipment or supplies by the Town or any of its public trust authorities or personal property as defined herein.

5. "Personal property" for purpose of this Division shall include but not be limited to:

a. Portable, or otherwise moveable, buildings and structures;

b. Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;

c. Roofs placed over existing roof structures; provided, lease purchase of retrofit metal roofs shall be awarded by competitive bids and the Town shall comply with the Act where the total payment of principal and interest provided by the lease-purchase contract are anticipated to exceed Twenty-five Thousand Dollars; and

d. Other structures that can be disassembled after installation and removed without permanent damage to existing property.

6. "Supplies" mean and include all property except real property, materials and equipment that the City acquires for its

use or consumption.

Section 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT.

A. Unless otherwise provided by law, all public construction contracts exceeding Fifty Thousand Dollars ($50,000.00) shall be let and awarded to the lowest responsible bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with the terms of the Public Competitive Bidding Act of 1974, 61 Okla. Stat. 101, et seq. or as hereafter amended by the State Legislature. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the city.

1. Except as provided in subsection C hereinbelow, other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for Fifty Thousand dollars ($50,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor as provided in this subsection. In providing for such written bids, the City Clerk may solicit bids from qualified bidders after posting a notice at city hall for at least three (3) days preceding the last day set for the receipt of bids or by causing the notice inviting bids to be published in the local newspaper of the city, at least once, three (3) days preceding the last day set for the receipt of proposals. The notice required herein, shall include a general description of the services required and shall state where bid blanks and specifications may be secured, and the time and place for opening bids. Work may be commenced in accordance with these purchasing policies of the City.

2. Public construction contracts for less than Five Thousand Dollars ($5000.00) may be negotiated with a qualified contractor and work commenced in accordance with the purchasing policies of the City.

B. For public construction contracts exceeding Fifty Thousand Dollars ($50,000.00), Department heads or third party contractors shall prepare bid specifications along with requisitions and submit same to the City Council for their approval.

C. The City Clerk will develop a bidder's list. Bid solicitations will be made equally and uniformly known to all prospective bidders and the public:

1. For public construction contracts exceeding Fifty Thousand Dollars ($50,000.00), notice will be mailed twenty (20) days prior to the bid opening date to prospective bidders who have made known, in writing, to the using agency their interest in bidding within twelve (12) months immediately preceding the date of opening the bids;

2. For public construction contracts exceeding Fifty Thousand Dollars ($50,000.00), notice will be published in two (2) consecutive issues of a newspaper of general circulation twenty (20) days prior to the bid opening date; and

3. For public construction contracts exceeding Fifty Thousand Dollars ($50,000.00), notice will be sent to trade or construction publications when the estimated cost exceeds Fifty Thousand Dollars ($50,000.00).

D. One complete set of bid documents will be kept on file in the Town clerk's office twenty (20) days prior to the bid opening date. Copies may be obtained by prospective bidders after paying a reasonable deposit as set by the mayor.

E. A bidder on a public construction contract exceeding Fifty Thousand Dollars ($50,000.00) will accompany the bid with:

1. A certified or cashier's check or bid bond or irrevocable letter of credit in an amount equal to five percent (5%) of the bid, which shall be deposited with the Town as a guaranty; or

2. An irrevocable letter of credit containing terms the Department of Central Services prescribes, issued by a financial institution insured by the Federal Deposit Insurance Corporation for the benefit of the state, on behalf of the awarding public agency, in an amount equal to five percent (5%) of the bid. The Town shall deposit the irrevocable letter or credit with the Department of Central Service.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder’s default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

F. A non-collusion affidavit and a business relationship affidavit shall also accompany bidder proposals.

G. Any bid received by the Town or an officer and employee thereof, more than ninety-six (96) hours, excluding Saturdays, Sundays and holidays, before the time set for the opening of the bids, or any bid so received after the time set for opening of the bids, shall not be considered by the Town and shall be returned unopened to the bidder submitting the same.

H. All bids shall be sealed and opened only at the time and place mentioned in the bid Section, and read aloud in the presence of an administrative officer of the Town. Such bid openings shall be open to the public and to all bidders.

I. Except as otherwise provided by law, within such period of time, not to exceed sixty (60) days, as shall be specified in the bid notice by the Town, a contract embodying the terms set forth in the bidding documents shall be executed by the Town and the successful bidder. No bidder shall obtain any property rights in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the Town.

J. Bonds, irrevocable letters of credit and insurance as provided by Section 113 of Title 61 of the Oklahoma Statutes, shall be provided by the successful bidder to the Town.

K. If an award is made to other than the lowest bidder, the Town shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

L. All invoices submitted for work performed shall be accompanied by a sworn certification by the architect or engineer that the work has been completed in accordance with specifications.

M. The Mayor and Board of Trustees by a majority vote may reject any and all bids and rebid the project if the public interest would be better served.

N. If no timely bid is received on any public construction contract not exceeding Fifty Thousand Dollars ($50,000.00), the Board of Trustees may direct the Mayor to negotiate a contract with the prospective bidder. The amount of the contract which may be awarded by the governing body pursuant to this Section shall not exceed Fifty Thousand Dollars ($50,000.00) and the work to be

performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all the other applicable provisions of the Public Competitive Bidding Act of 1974.

O. The Town shall return the certified or cashier's check, bid bond, or irrevocable letter of credit to the successful bidder on execution and delivery of the contract and required bonds or irrevocable letters of credit and insurance. Checks of unsuccessful bidders shall be returned at them in accordance with the terms of the bid solicitation.

P. Nothing herein shall be construed so as to prevent the Town or the courts from exonerating the bidder and other parties to the bid security document from liability upon a timely showing that the bidder committed what the courts have determined under the common law to be an excisable bidding error and for that reason it would not be equitable to enforce the bid security.

Q. Change Orders.

1. Change orders or addenda to public construction contracts of One Million Dollars ($1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

2. Change orders or addend to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars ($150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

3. Change orders or cumulative change orders which exceed the limits of Subsection Q1 and Q2 of this Section shall require a re-advertising for bids on the incomplete portions of the contract.

4. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to Subsection Q1 and Q2 of this Section.

5. When the unit price change does not exceed Ten Thousand Dollars ($10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of the following cost itemization, which shall be performed as follows in all other incidents.

Such change orders shall contain a unit price and a total for each of the following items:

a. All materials with cost per item;

b. Itemization of all labor with number of hours per operation and cost per hour;

c. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;

d. Itemization of insurance cost, bond cost, social security, taxes, workers; compensation, employee fringe benefits and overhead cost;

e. Profit for the contractor.

SECTION 7-112 ENCUMBRANCE OF FUNDS.

Except in cases of emergency, the agent shall not issue any order for delivery on a contract or purchase order until the town clerk shall have certified that there is to the credit of the using agency concerned sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

SECTION 7-116 EMERGENCY PURCHASES.

A. The provisions of this Division with reference to notice and bids shall not apply to an emergency if:

1. The Town Board of Trustees declares by a two-thirds (2/3) majority vote of all the members of the governing body that an emergency exists; or

2. The Town Administrator of the Town, without the Town Board, declares that an emergency exists, provided however, this delegated authority shall only extend to any contract(s) in the aggregate less than Seventy-Five Thousand Dollars ($75,000.00), and if the Town Administrator shall declare such emergency, he shall notify the Town Board of such action within ten (10) days. Such notification shall contain a statement of the reasons for the action, and shall be recorded in the official minutes of the Town Board.

B. The Town Administrator of the Town shall, within ten (10)

days, report any emergency declaration, wherein A1 is invoked, together with a copy of the official city minutes to the State Construction Administrator of the Construction and Properties Division of the Office of Management and Enterprise Services.

C. For purpose of this section, an "emergency" is limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered.

SECTION 7-114 SALES; BOARD OF TRUSTEES TO DECLARE SURPLUS OR OBSOLETE; DISPOSAL AS DIRECTED BY THE TOWN BOARD OF TRUSTEES.

No surplus or obsolete supplies, materials or equipment may be sold until the board of trustees shall have declared same obsolete or surplus. The board of trustees may dispose of such obsolete or surplus property as they deem to be in the best interest of the town.

ARTICLE 2

SALES TAX

SECTION 7-201 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "Town of Okeene Sales Tax Ordinance."

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. § 2701; 68 O.S. §§ 1350 et seq.

SECTION 7-202 DEFINITIONS.

A. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

B. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

C. The definition of "gross receipts" in the State Sales Tax Code is hereby augmented to contain the additional following words: "The total retail sale price received for the sale, preparation or

service of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall constitute the gross receipts from such transaction."

SECTION 7-203 TAX COLLECTOR DEFINED.

The term "tax collector" as used in this Article means the department of the town or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this Article.

SECTION 7-204 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Article the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code.

SECTION 7-205 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose.

SECTION 7-206 PURPOSE OF REVENUES.

It is the purpose of the three cent (.03) sales tax to provide revenues for the support of the functions of the municipal government of the town.

SECTION 7-206A ADDITIONAL ONE PER CENT (1%) SALES OR EXCISE TAX FOR HEALTH CARE PURPOSES

1. Beginning on November 6, 2012, and continuing thereafter until such sales tax is lawfully repealed, there is hereby declared and shall be levied and collected, an additional Town excise (sales) tax of one per cent (1%), such sales tax being in addition to the Town and state sales taxes heretofore levied or assessed, upon the gross proceeds or receipts derived from all sales to any person taxable under the sales tax laws for the State of Oklahoma.

2. The receipts from such additional sales tax shall be deposited into a limited purpose fund to be known as the "Health Care Fund" (hereinafter the "Fund"), to be held in the name of the Town, and thereafter expended for the purpose of providing health

care, including the provision of necessary capital improvements, capital assets, operations, maintenance and repair, for any public authority with the Town as sole beneficiary providing health care services, its successors and assigns, or for debt service for any obligations issued by the Town or any public authority with the Town as sole beneficiary, which obligations are necessary to provide health care services in the Town.

SECTION 7-206B PURPOSE OF REVENUE

It is the purpose of the one per cent (1%) municipal sales tax levied hereunder to provide health care, including the provisions of necessary capital improvements, capital assets, operations, maintenance and repair, for any public authority with the Town as sole beneficiary providing health care services, its successors and assigns, or for debt service for any obligations issued by the Town or any public authority with the Town as sole beneficiary, which obligations are necessary to provide health care services in the Town.

Note: Amended by the voters at an election held on November 6, 2012, pursuant to Ordinance No. 2012-05.

SECTION 7-206C RESERVED

SECTION 7-206D RESERVED

SECTION 7-206E ADDITIONAL ONE QUARTER OF ONE PER CENT (0.25%) SALES OR EXCISE TAX; PURPOSE OF REVENUE.

1. Beginning on October 1, 2005, and continuing until and ending on September 30, 2015, there is hereby declared and shall be levied and collected, an additional City excise (sales) tax of one-quarter of one percent (0.25%), such sales tax being in addition to the city and state sales taxes levied or assessed, upon the gross proceeds or receipts derived from all sales to any person taxable under the sales tax laws for the State of Oklahoma. Provided, the receipts from such additional sales tax shall be deposited into a limited purpose fund to be known as the "Street Capital Improvement Fund", to be accumulated, earmarked and expended only for the following purpose;

2. To make major improvements and repairs to existing streets within the Town of Okeene, Oklahoma.

3. A special, limited purpose fund, to be known as the "Street Improvements Fund" is hereby established, and shall be used

solely for the purposes of receiving the revenue derived from collection of the additional one-quarter of one percent (0.25%) sales tax imposed hereunder, receiving income from investment of said fund, and paying for major repairs and improvements to existing streets as specified in subsection 1 hereof.

SECTION 7-207 TAX IMPOSED; AMOUNT.

A. There is hereby levied an excise tax in the amount of (4.25%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, including but not exclusive of the following:

1. Tangible personal property, except newspapers and periodicals;

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, and associated delivery or transmission services, except water, sewage and refuse and those specifically exempt pursuant to the provisions of 68 O.S. §1357;

3. Transportation for hire to persons by common carriers, including railroads both steam and electric, motor transportation companies, Pullman car companies, airlines, and other means of transportation for hire, excluding:

a. transportation services provided by a tourism service broker which are incidental to the rendition of tourism brokerage services by such broker to a customer regardless of whether or not such transportation services are actually owned and operated by the tourism service broker. For purposes of this subsection, "tourism service broker" means any person, firm, association or corporation or any employee of such person, firm, association or corporation which, for a fee, commission or other valuable consideration, arranges or offers to arrange trips, tours or other vacation or recreational travel plans for a customer, and

b. transportation services provided by a funeral establishment to family members and other persons for purposes of conducting a funeral in this state;

4. Telecommunications services that originate and terminate in this state and that originate or terminate in this state and are charged to the consumer's telephone number or account in this state regardless of where the billing for such service is made, all

mobile telecommunications services that are sourced to this state pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. 116-126, and all local telecommunications service and rental charges, including all installation and construction charges and all service and rental charges having any connection with transmission of any message or image. Provided:

a. the term "telecommunications services" shall mean the transmission of any interactive, two-way electromagnetic communications, including voice, image, data and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media, but shall not include the following: (1) sales of value-added nonvocal services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted, including charges for the storage of data or information for subsequent retrieval but not including services commonly known as voice mail, (2) any interstate telecommunications service which is: (a) rendered by a company for private use within its organization, or (b) used, allocated, or distributed by a company to its affiliated group, or (3) sales of any carrier access services, right of access services, telecommunications services to be resold, or telecommunications services used in the subsequent provision of, use as a component part of, or integrated into end-to-end telecommunications service, and

b. the term "telecommunications services" shall include, but not be limited to sales of any interstate telecommunications services which: (1) entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or (2) entitle the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges, and c. the term "interstate" includes any international service that either originates or terminates outside of the fifty (50) United States and the District of Columbia;

5. Printing or printed matter of all types, kinds, or character and, except for services of printing, copying or photocopying performed by a privately owned scientific and educational library sustained by monthly or annual dues paid by members sharing the use of such services with students interested in the study of geology, petroleum engineering or related subjects, any service of printing or overprinting, including the copying of information by mimeograph, multigraph, or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information from magnetic tapes or other media furnished by customers;

6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camp;

7. Service of furnishing storage or parking privileges by auto hotels or parking lots;

8. Computer hardware, software, coding sheets, cards, magnetic tapes or other media on which pre-written programs have been coded, punched, or otherwise recorded, including the gross receipts from the licensing of software programs;

9. Foods, confections, and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types, and characters, including any and all devices used for advertising purposes except those specifically exempt pursuant to the provisions of 68 O.S. § 1357;

11. Dues or fees to clubs including free or complimentary dues or fees which have a value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

12. Tickets for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display, or other recreational events or activities, including free or complimentary admissions which have a value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in anykind of activity, such as tennis, racquetball, or handball, when spectators are charged no admission fee;

14. Charges made for the privilege of using items for amusement, sports, entertainment, or recreational activity, such as trampolines or golf carts;

15. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports or athletic equipment;

16. The gross receipts from sales from any vending machine without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. The gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair, or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. If the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill, or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

18. Flowers, plants, shrubs, trees, and other floral items, whether or not produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. All orders taken outside this state for delivery within this state shall not be subject to the taxes levied in this Section;

19. Tangible personal property sold to persons, peddlers, solicitors, or other salesmen, for resale when there is likelihood that this state will lose tax revenue due to the difficulty of enforcing the provisions of the Oklahoma Sales Tax Code because of:

a. the operation of the business,
b. the nature of the business,
c. the turnover of independent contractors,
d. the lack of place of business in which to display a permit or keep records,
e. lack of adequate records,
f. the fact that the persons are minors or transients,
g. the fact that the persons are engaged in service businesses, or

h. any other reasonable reason;

20. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users, however, taxable materials, supplies and equipment sold to contractors as provided by this subsection which are purchased as a result of and subsequent to the date of a contract entered into either prior to the effective date of any law increasing the rate of sales tax imposed by this article, or entered into prior to the effective date of an ordinance or other measure increasing the sales tax levy of a political subdivision shall be subject to the rate of sales tax applicable, as of the date such contract was entered into, to sales of such materials, supplies and equipment if such purchases are required in order to complete the contract. Such rate shall be applicable to purchases made pursuant to the contract or any change order under the contract until the contract or any change order has been completed, accepted and the contractor has been discharged from any further obligation under the contract or change order or until two (2) years from the date on which the contract was entered into whichever occurs first. The increased sales tax rate shall be applicable to all such purchases at the time of sale and the contractor shall file a claim for refund before the expiration of three (3) years after the date of contract completion or five (5) years after the contract was entered into, whichever occurs earlier. However, the Oklahoma Tax Commission shall prescribe rules and regulations and shall provide procedures for the refund to a contractor of sales taxes collected on purchases eligible for the lower sales tax rate authorized by this subsection; and

21. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, hereby declared to be sales to consumers or users.

Section 7-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX

There is hereby specifically exempted from the tax levied by this Article the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural

gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of Title 68 of the Oklahoma Statutes has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of Title 68 of the Oklahoma Statutes has been, or will be paid;

3. Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of Title 68 of the Oklahoma Statutes. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of Title 68 of the Oklahoma Statutes has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of Title 68 of the Oklahoma Statutes;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of Title 68 of the Oklahoma Statutes or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or

b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of Title 68 of the Oklahoma Statutes has been paid; and

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of Title 68 or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes.

Section 7-209 RESERVED

Section 7-210 TAX DUE WHEN; RETURNS; RECORDS

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code.

Section 7-211 PAYMENT OF TAX; BRACKETS

A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax.

B. The bracket system for the collection of the town sales tax by the tax collector shall be the same as is hereafter adopted by the agreement of the town and the tax collector, in the collection of both the town sales tax and the state sales tax.

Section 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of this state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this article, except as hereinafter provided;

2. Sales of property to agents appointed by or under contract

with agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

5. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or a similar business;

8. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university or any public trust of which a county in this state is the beneficiary, for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses,

amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

9. Sales of tangible personal property or services to the Board organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Boys and Girls shall be exempt from sales tax;

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers County Port Authority, Muskogee City-County Port Authority or to any person with whom any of the above-named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above-named subdivisions or agencies of this state or who otherwise violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in

writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this paragraph shall be a misdemeanor as set forth in paragraph 10 of this Section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

13. Sales of tangible personal property made by:

a. a public school,

b. a private school offering instruction for grade levels kindergarten through twelfth grade,

c. a public school district,

d. a public or private school board,

e. a public or private school student group or organization,

f. a parent-teacher association or organization, or

g. public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private school board or public or private school student group or organization. The exemption provided by this paragraph for sales made by a public or private school shall be limited to those public or private schools accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall include sale of admission tickets and concessions at athletic events;

14. Sales of tangible personal property by:

a. local 4-H clubs,

b. county, regional or state 4-H councils,

c. county, regional or state 4-H committees,
d. 4-H leader associations,

e. county, regional or state 4-H foundations, and

f. authorized 4-H camps and training centers. The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first Seventy-five Thousand Dollars ($75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes;

17. Sales of tangible personal property or services to fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first Fifteen Thousand Dollars ($15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes for the purposes of raising funds for the benefit of the fire

department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

a. any federally qualified community health center as defined in Section 254c of Title 42 of the United States Code,

b. any migrant health center as defined in Section 254b of Title 42 of the United States Code,

c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of Section 66 of Title 56 of the Oklahoma Statutes, and

d. any community based health center which meets all of the following criteria:

(1) provides primary care services at no cost to the recipient, and

(2) is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally-owned

recreation centers for the use of facilities and programs;

24. The first Fifteen Thousand Dollars ($15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

25. Sales of tangible personal property or services to museums or other entities which have been accredited by the American Association of Museums. Any person making purchases on behalf of any such museum or other entity shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of Title 68 of the Oklahoma Statutes shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth

camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to Section 3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

a. the destruction in whole or in part of the satellite or launch vehicle,

b. the failure of a launch to occur or be successful, or

c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner;

36. The sale, lease, use, storage, consumption, or

distribution in this state of tangible personal property meeting the definition of "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, Section 38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by Section 1354 of this title shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education; and

41. Sales of tangible personal property or services for use on campus construction projects for the benefit of institutions of The Oklahoma State System of Higher Education or private institutions of higher education accredited by the Oklahoma State Regents for Higher Education when such projects are financed by or through the use of nonprofit entities which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code,26 U.S.C. 501 (c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefor would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C. 513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise and gross receipts taxes.

State Law Reference: Similar provisions, 68 O.S. Section 1305.

Section 7-213 SAME-GENERALLY

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar ($1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in Section 1350 et seq. of Title 68 of the Oklahoma Statutes. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and

which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by Section 1350 et seq. of Title 68 of the Oklahoma Statutes. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television, and the servicing of any advertising devices;

5. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that the purchaser is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

6. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use after December 31, 1980. Provided, nothing herein shall be construed as limiting or prohibiting cities and towns, and counties levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, from levying and collecting taxes on the sale of natural or artificial gas and electricity. Provided further, any sales tax levied by a city or town, or a county levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, on natural or artificial gas and electricity shall be in effect regardless of

ordinance or contractual provisions referring to previously imposed state sales tax on such items;

7. In addition to the exemptions authorized by Section 1357.6 of Title 68 of the Oklahoma Statutes, sales of medicines or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicines or drugs. Provided, this exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;

10. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;

11. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which: a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;

12. Sales of tangible personal property or services to or by organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), and which are primarily involved in the

collection and distribution of food and other household products to other organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), which facilitate the distribution of such products to the needy, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

13. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

14. Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars ($5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars ($2,000,000.00);

15. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 14 of this Section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;

16. Sales of any interstate telecommunications services which:

a. entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the

subscriber, or

b. entitles the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges;

17. Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings and turnouts;

18. Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C. 1504;

19. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing: a. as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer. Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

20. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" means a device which replaces a missing part of the human

body and shall include any supplies physically connected to the device;

21. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996;

22. Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial water craft;

23. Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;

24. Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

25. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;

26. Beginning July 1, 2000, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft frame repairs and modification, aircraft interior modification, and paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint. The exemption provided by this paragraph shall be limited to aircraft repairs, modification, and replacement parts for aircraft weighing more than twelve thousand five hundred (12,500) pounds and less than one hundred thousand (100,000) pounds and which aircraft are brought into this state exclusively for such repairs or modification. The exemption provided by this paragraph shall be limited to repairs or modifications made by a new or expanded aircraft repair facility.

As used in this paragraph, the term "aircraft" shall have the same meaning as such term is defined in Section 6001 of Title 68. The term "new or expanded aircraft repair facility" shall mean any new or expanded facility which repairs, modifies or replaces aircraft parts in which more than Four Million Dollars ($4,000,000.00) was invested to establish the new facility or expand an existing facility and which construction was commenced or was in progress on or after January 1, 1999; and

27. Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:

a. are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or

b. enter into and become component parts of the ship, motor vessel or barge.

Section 7-214 SAME-MANUFACTURERS

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of goods, wares, merchandise, tangible personal property, machinery and equipment to a manufacturer for use in a manufacturing operation;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by Section 500.4 of Title 68 of the Oklahoma Statutes;

3. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden, or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles and the cartons, crates, pallets, and containers used to transport returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable

under this Code. Additionally, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

4. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506] of Title 37 of the Oklahoma Statutes, or water for human consumption and the cartons, crates, pallets, and containers used to transport such returnable containers;

5. Sale of tangible personal property when sold by the manufacturer to a person who transports it to a state other than Oklahoma for immediate and exclusive use in a state other than Oklahoma. Provided, no sales at a retail outlet shall qualify for the exemption under this paragraph;

6. Machinery, equipment, fuels and chemicals or other materials incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of hazardous waste at treatment facilities specifically permitted pursuant to the Oklahoma Hazardous Waste Management Act and operated at the place of waste generation, or facilities approved by the Department of Environmental Quality for the cleanup of a site of contamination. The term "hazardous" waste may include low-level radioactive waste for the purpose of this paragraph;

7. Sales of tangible personal property to a qualified manufacturer to be consumed or incorporated in a new manufacturing facility or to expand an existing manufacturing facility. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified manufacturer for construction or expansion of a manufacturing facility shall be considered sales made to a qualified manufacturer. For the purposes of this paragraph, "qualified manufacturer" means:

a. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Five Million Dollars ($5,000,000.00) and in which at least one hundred (100) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,

b. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Ten Million Dollars ($10,000,000.00) and the combined cost of construction material, machinery, equipment and other tangible personal property exempt from sales tax under the provisions of this paragraph exceeds the sum of Fifty Million Dollars ($50,000,000.00) and in which at least seventy-five (75) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility, or

c. any enterprise whose total cost of construction of an expanded facility exceeds the sum of Three Hundred Million Dollars ($300,000,000.00) and in which the manufacturer has and maintains an average employment level of at least one thousand seven hundred fifty (1,750) full-time-equivalent employees, as certified by the Employment Security Commission. For purposes of this paragraph, the total cost of construction shall include building and construction material and engineering and architectural fees or charges directly associated with the construction of a new or expanded facility. The total cost of construction shall not include attorney fees. For purposes of subparagraph c of this paragraph, the total cost of construction shall also include the cost of qualified depreciable property as defined in Section 2357.4 of Title 68 of the Oklahoma Statutes and labor services performed in the construction of an expanded facility. The employment requirement of this paragraph can be satisfied by the employment of a portion of the required number of new full-time-equivalent employees at a manufacturing facility that is related to or supported by the new or expanded manufacturing facility as long as both facilities are owned by one person or business entity. For purposes of this Section, "manufacturing facility" shall mean building and land improvements used in manufacturing as defined by the Standard Industrial Classification Code and shall also mean building and land improvements used for the purpose of packing, repackaging, labeling or assembling for distribution to market, products at least seventy percent (70%) of which are made in Oklahoma by the same company but at an off-site in-state manufacturing facility or facilities. It shall not include a retail outlet unless the retail outlet is operated in conjunction with and on the same

site or premises as the manufacturing facility. Up to ten percent (10%) of the square feet of a manufacturing facility building may be devoted to office space used to provide clerical support for the manufacturing operation. Such ten percent (10%) may be in a separate building as long as it is part of the same contiguous tract of property on which the manufacturing facility is located. Only sales of tangible personal property made after June 1, 1988, shall be eligible for the exemption provided by this paragraph;

8. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna, and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

9. Sales of tangible personal property purchased or used by a licensed cable television operator in cable casting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the failure of the machinery or equipment to operate would cause cable casting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

10. Sales of packaging materials for use in packing, shipping or delivering tangible personal property for sale when sold to a producer of agricultural products. This exemption shall not apply to the sale of any packaging material which is ordinarily known as a returnable container;

11. Sales of any pattern used in the process of manufacturing iron, steel or other metal castings. The exemption provided by this

paragraph shall be applicable irrespective of ownership of the pattern provided that such pattern is used in the commercial production of metal castings;

12. Deposits or other charges made and which are subsequently refunded for returnable cartons, crates, pallets, and containers used to transport cement and cement products;

13. Beginning January 1, 1998, machinery, electricity, fuels, explosives and materials, excluding chemicals, used in the mining of coal in this state; and

14. Deposits, rent or other charges made for returnable cartons, crates, pallets, and containers used to transport mushrooms or mushroom products from a farm for resale to the consumer or processor.

Section 7-215 SAME-AGRICULTURE

The gross receipts of gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted for the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

a. farm, orchard or garden products, and

b. dairy products sold by a dairy producer or farmer who owns all the cows from which the dairy products offered for sale are produced; provided, the provisions of this paragraph shall not be construed as exempting sales by florists, nursery operators or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the

pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

a. feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption,

b. feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products, and

c. any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies. "Poultry" shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs. "Livestock" shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Oklahoma Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

a. sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching,

b. sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. In addition to providing the vendor proof of eligibility as provided in Section 1358.1 of this Title 68 of the Oklahoma Statutes, the purchaser

shall provide the name or names of such owner or lessee and operator and the location of the lands on which said materials are to be applied to each such land,

c. sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article, and said sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this Section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals,

d. sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This Section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens, and

e. sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this subparagraph, "agricultural chemical pesticides" shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The exemption provided in this paragraph shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products;

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. The exemption specified in this paragraph shall apply to such farm

machinery, repair parts or fuel, oil, lubricants and other substances used by persons engaged in the business of custom production, cultivation, planting, sowing, harvesting, processing, spraying, preservation, or irrigation of any livestock, poultry, agricultural, or dairy products for farmers or ranchers. The exemption provided for herein shall not apply to motor vehicles;

7. Sales of supplies, machinery and equipment to persons regularly engaged in the business of raising evergreen trees for retail sale in which such trees are cut down on the premises by the consumer purchasing such tree. This exemption shall only be granted and extended when the items in fact are used in the raising of such evergreen trees; and

8. Sales of materials, supplies and equipment to an agricultural permit holder or to any person with whom the permit holder has contracted to construct facilities which are or which will be used directly in the production of any livestock, including, but not limited to, facilities used in the production and storage of feed for livestock owned by the permit holder. Any person making purchases on behalf of the agricultural permit holder shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such permit holder and set out the name and permit number of such holder. Any person who wrongfully or erroneously certifies that purchases are for an agricultural permit holder or who otherwise violates this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of an amount equal to double the amount of sales tax involved or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment.

B. As used in this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes:

1. "Agricultural products" shall include horses; and

2. "Ranching" or "ranch" shall include the business, or facilities for the business, of raising horses. Provided, sales of items at race meetings as defined in Section 200.1 of Title 3A of the Oklahoma Statutes shall not be exempt pursuant to the provisions of this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes.

State Law Reference: Similar provision, 68 O.S. Section 1305a.

Section 7-216 RESERVED

Section 7-217 TAX CONSTITUTES DEBT; Town SALES TAX SUBJECT TO OTHER TITLE 68 PROVISIONS

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. Moreover, Title 68 of the Oklahoma Statutes as it relates to all sales tax is hereby adopted by reference as if fully set out, as is hereby amended as such state laws are amended, and is applicable to all municipal sales tax issues.

Section 7-218 VENDOR'S DUTY TO COLLECT TAX; PENALTIES

A. The tax is levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this Town to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or wilfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, by any whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the Town. Any person, firm, corporation, joint venture or association that wilfully or intentionally fails, neglects or refuse to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be punished as provided in Section 1-108 of this code.

Section 7-219 RETURNS AND REMITTANCES; DISCOUNTS

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales tax.

Section 7-220 INTEREST AND PENALTIES; DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

Section 7-221 WAIVER OF INTEREST AND PENALTY

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the Town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this Section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this chapter.

Section 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND

Refund of erroneous payment of the Town sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this Section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this chapter.

Section 7-223 FRAUDULENT RETURNS

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in Section 1-108 of this code.

Section 7-224 RECORDS CONFIDENTIAL

The confidential and privileged nature of the records and files concerning the administration of the Town sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Sales Tax Code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the Town sales tax as if here set forth in full.

Section 7-225 AMENDMENTS

The people of the Town, by their approval of the sales tax ordinance hereby authorize the board of Trustees, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the Town as provided by law.

Section 7-226 PROVISIONS CUMULATIVE

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of Town ordinances.

ARTICLE 3

UTILITIES TAX

SECTION 7-301 FEE LEVIED; APPLICATION.

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts (residential and commercial sales only) received from all persons, firms, associations or corporations engaged in the business of furnishing power, light,

heat, gas, electricity, telephone exchange service or water within the town limits, except that it shall neither apply to town furnished services nor any person, firm, association or corporation operating under a valid franchise with the town nor apply to utilities furnished by the town.

State Law Reference: Authority of council to levy above tax, 68 O.S. § 2601; tax not applicable to franchise holders, 68 O.S. § 2602.

SECTION 7-302 TAX IS IN LIEU OF OTHER TAXES.

The tax levied by this Article shall be in lieu of any other franchise, license, occupation or excise tax levied by the town.

SECTION 7-303 TAX TO BE PAID MONTHLY AND PLACED IN GENERAL REVENUE FUND.

The tax levied under this Article shall be levied for a term of not less than one (1) year and shall be quarterly, in January, April, July and October of each year and placed in the general revenue fund of the town.

SECTION 7-304 FAILURE TO PAY; ACTION FOR COLLECTION.

Any person, firm, corporation or other entity failing or refusing to pay the tax levied by this Article shall be regarded as a trespasser and may be ousted from the town. In addition thereto, an action may be maintained against such person, firm, corporation or other entity for the amount of the tax and all expenses of collecting same, including reasonable attorneys' fees.

SECTION 7-305 TAX LIEN.

The tax imposed by this Article shall constitute a first and prior lien on all the assets located within the town of any person, firm, corporation or other entity engaged in the business of selling power, light, heat, gas, electricity or water within the corporate limits of the town and subject to such tax.

Section 7-306 PERMIT GRANTED TO GAS COMPANIES IN LIEU OF FRANCHISE

Any persons, firms, associations, or corporations engaged in the business of furnishing gas within the town limits, not operating under a valid franchise from the town, and upon whom the tax provided under Section 7-301 of this Article is imposed, is hereby granted a revocable permit by the town for so long as this

article remains in effect and the taxes are paid in accordance with the terms of this article to acquire, construct, erect, install, extend, repair, remove, relocate, replace, operate and maintain a system of works, pipes, pipelines, apparatus, structures and appurtenances in, across, upon and under the streets, alleys, avenues, boulevards, lanes, parks, parkways, sidewalks, parking, driveways, rights-of-way, utility easements, and other public ways, places, areas and grounds, all being sometimes referred to herein as "streets, alleys, avenues, and other public ways, places and grounds," in the town as now constituted, and as may be added to hereafter, for the purpose of transporting, distributing and selling gas for domestic, commercial and industrial uses, and for any and all other purposes for which gas, during the period of this revocable permit may be used, together with the right to enter upon the streets, alleys, avenues and other public ways, places and grounds of the town for the purpose of constructing, erecting, installing, extending, relocating, operating, maintaining, removing and repairing the works, pipes, pipelines, and all necessary apparatus, machinery, structures and appurtenances. Notwithstanding any other provision of this article, any revocable permit issued herein may be revoked by the town after giving the permittee One Hundred and Eighty (180) days written notice.

ARTICLE 4

RESERVED

ARTICLE 5

PIONEER TELEPHONE COOPERATIVE, INC., VIDEO SYSTEM ORDINANCE

SECTION 7-501 DEFINITION OF TERMS.

For the purpose of this Article (the "Article"), the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

a. "Basic Video" means the tier of Video Service regularly provided to all Subscribers that includes the retransmission of local broadcast television signals.

b. "Video Service" means (i) the one-way transmission to Subscribers of Video Programming or other programming service, and (ii) Subscriber interaction, if any, which is required for the

selection or use of such Video Programming or other programming service.

c. "Video System" means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other equipment that is designed to provide Video Service or other service to Subscribers.

d. "FCC" means Federal Communications Commission, or successor governmental entity thereto.

e. "Franchise" means the initial authorization, or renewal thereof, issued by Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the Video System for the purpose of offering Video Service or other service to Subscribers.

f. "Franchising Authority" means the Town of Okeene, Oklahoma, or the lawful successor, transferee, or assignee thereof.

g. "Grantee" means Pioneer Telephone Cooperative, Inc., or the lawful successor, transferee, or assignee thereof.

h. "Gross Revenues" means the monthly revenues for the provision of Video Service received by Grantee from Subscribers located within the Service Area from Basic, Extended Basic Service and all other Video Programming Offerings. "Gross Revenues" does not include any taxes or fees on Video Service which are imposed directly or indirectly on any Subscriber by any governmental unit or agency, and which are collected by Grantee on behalf of such governmental unit or agency.

i. "Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

j. "Public Way" means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by Franchising Authority in the Service Area which shall entitle Franchising Authority and Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Video System. "Public Way" also means any easement now or

hereafter held by Franchising Authority within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Franchising Authority and Grantee to the use thereof for the purposes of installing or transmitting Grantee's Video Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Video System.

k. "Service Area" means the present municipal boundaries of Franchising Authority and shall include any additions thereto by annexation or other legal means, except as limited by the technology available to Grantee as it presently exists, or may exist in the future.

l. "Subscriber" means a user of the Video System who lawfully receives Video Service or other service therefrom with Grantee's express permission.

m. "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 7-502 GRANT OF FRANCHISE

A. Grant. Franchising Authority hereby grants to Grantee a nonexclusive Franchise which authorizes Grantee to construct and operate a Video System and offer Video Service and other service in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Video System.

B. Term. This Franchise shall take effect and be in full force and effect immediately and shall continue in full force and effect for a term of ten (10) years from October 12, 2014, said date being the effective date of this Article.

C. Favored Nations. In the event Franchising Authority enters into a franchise, permit, license, authorization, or other

agreement of any kind with any Person other than Grantee to enter into Franchising Authority's streets and public ways for the purpose of constructing or operating a Video System or providing Video Service to any part of the Service Area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law. In the event Grantee shall enter into any other cable television franchise with any political subdivision within an One Hundred (100) mile radius from the Town, providing for technological improvements or upgrades not currently available in the Town, Grantee shall notify the Franchising Authority of the same within thirty (30) days of the effective date of the other permit or franchise.

Following notification, Grantee shall submit a schedule for providing the same technological improvements or upgrade to be effectuated within the same period of time as the other permit; provide, however, that Grantee is able to recoup its costs in a manner consistent with the terms agreed upon in the other political subdivision. The Franchising Authority may grant extensions, where necessary, upon application by the Grantee when reasonable cause is demonstrated.

SECTION 7-503 STANDARDS OF SERVICE

A. Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines, and equipment installed or erected by Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways. Okeene reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the Grantee and to reasonably designate where such facilities are to be placed within the Public Ways and places. In the event that at any time during the period of this Franchise, Okeene shall lawfully elect to alter, or change the grade of, any street, alley, or any Public Way, the Grantee, upon reasonable notice by the Town of Okeene, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

B. Restoration of Public Ways. If during the course of Grantee's construction, operation or maintenance of the Video System there occurs a disturbance of any Public Way by Grantee, it shall, at its expense, replace and restore such Public Way to a

condition at least as good as the condition of the Public Way existing immediately prior to such disturbance.

C. Safety Requirements. Construction, installation, and maintenance of the Video System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations and the Grantee shall, at all times during the life of this Franchise, be subject to all lawful exercise of the police power by the Town of Okeene, and to such reasonable regulation as the Town of Okeene shall hereafter by resolution or Article provide. The Video System shall not unreasonably endanger or interfere with the safety of Persons or property in the Service Area.

D. Required Extensions of Service. Grantee shall have the Video System installed and fully operational within the Service Area during the term of this franchise.

SECTION 7-504 REGULATION BY FRANCHISING AUTHORITY

A. Franchise Fee. On or before the 31st day of January and the 31st day of July of each year in which this Franchise is effective, Grantee shall pay to the Town of Okeene a sum equal to Five percent (5%) of the gross revenue as herein defined, received by Grantee from Basic, Extended Basic Service and all other Video Programming Offerings for the preceding six (6) month period ending on the 31st day of December and the 30th day of June, respectively, as a Franchise Fee for the use of the streets and other facilities of Franchising Authority in the operation of the Video System and in lieu of occupation or license taxes. Grantee shall keep true and accurate books and records relating to its operation of the Video System. During the term of this Franchise, the Franchising Authority, through its designated representative, may upon reasonable notice within Grantee's regular business hours, inspect and make copies of such portions of the books and records as relate to Subscribers to Basic and Enhanced Video Service, in order to determine the accuracy of any and all of Grantee's statements and payments rendered pursuant to this agreement, provided, however, the provision of such records will not violate the privacy provisions of the Telecommunications Act of 1934 as amended.

B. Rates and Charges. Franchising Authority may not regulate the rates for the provision of Video Service or other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as may be authorized pursuant to federal and state law. From time to time,

and at any time, Grantee has the right to modify its rates and charges, at its discretion and without consent of Franchising Authority, including, but not limited to, the implementation of additional charges and rates; provided, however, that Grantee shall give notice to Franchising Authority of any such modifications or additional charges thirty (30) days prior to the effective date thereof.

C. Transfer of Franchise. The Grantee's legal, character, financial, technical, and other qualifications, have been approved and the Grantee shall not transfer this Franchise to any non-affiliated person, firm or corporation without prior approval of Franchising Authority. All provisions of this Article shall be binding upon Grantee, its successors, lessees and assigns, whether expressly stated herein or not.

SECTION 7-505 Insurance, Indemnification, and Bonds or Other Surety

A. Insurance Requirements. Grantee shall maintain in full force and effect during the term of the Franchise, at its own cost and expense, Comprehensive General Liability and Property Insurance in an amount not less than $1,000,000, with the Town of Okeene named as an additional insured, said insurance to be carried with an insurance company with a recognized national rating acceptable to the Town of Okeene. This Comprehensive General Liability and Property Insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from Grantee's automobiles, products and completed operations. The following endorsements shall attach to the liability policy:

1. The policy shall cover personal injury as well as bodily injury.

2. The policy shall cover blanket contractual liability subject to the standard universal exclusions of contractual liability included in the carrier's standard endorsement as to bodily injuries, personal injuries, and property damage.

3. Broad form property damage liability shall be afforded.

4. An endorsement stating that the policy shall not be canceled without thirty (30) days written notice of such cancellation given to the Franchising Authority.

Grantee shall also obtain and maintain workers' compensation insurance for all Grantee's employees, and in case any work is

sublet, Grantee shall similarly require any subcontractor to provide workers' compensation insurance for all subcontractor's employees, all in compliance with State laws in the statutory amount, and to fully protect the Franchising Authority from any and all claims arising out of occurrences on the work. Grantee hereby indemnifies Franchising Authority for any damage resulting to it from failure of either Grantee or any subcontractor to take out and maintain such insurance.

Grantee shall submit to Franchising Authority documentation of the required insurance including a certificate of insurance signed by the insurance agent and companies named, as well as all properly executed endorsements.

B. Indemnification. Grantee shall indemnify, hold harmless, release and defend Franchising Authority, its officers, agents and employees from and against any and all lawsuits, claims, actions, demands, damages, disability, losses, expenses including attorney's fees and other defense costs or liabilities of any nature that may be asserted by any Person or entity arising out of the activities of Grantee, its subcontractors, employees and agents hereunder. This indemnification obligation is not limited in any way by a limitation of the amount or type of damages or compensation payable by or for Grantee under workers' compensation, disability or other employee benefit acts, acceptance of insurance certificates required under this Agreement, or the terms, applicability or limitations of any insurance held by Grantee. Franchising Authority does not, and shall not, waive any rights against Grantee which it may have by reason of this indemnification, because of the acceptance by Franchising Authority, or the deposit with Franchising Authority by Grantee, of any of the insurance policies described in this Agreement. This indemnification by Grantee shall apply to all damages and claims for damages of any kind suffered by reason of any of the aforesaid operations referred to in this Section, regardless of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

SECTION 7-506 ENFORCEMENT AND TERMINATION OF FRANCHISE

A. Notice of Violation. In the event that Franchising Authority believes that Grantee has not complied with the terms of the Franchise, it shall notify Grantee in writing of the exact nature of the alleged default.

B. Grantee's Right to Cure or Respond. Grantee shall have sixty (60) days from receipt of the notice described in Section 7-

506A to cure such default. In the event that, by the nature of the default, such default cannot be cured within the sixty (60) day period, Grantee shall be allowed additional reasonable time to cure such default, upon written consent of Franchising Authority, which consent will not be unreasonably withheld. In the event Grantee fails to cure any default as provided for herein, the Town of Okeene may immediately terminate this Franchise without further notice to Grantee.

C. Acts of God. Grantee shall not be held in default of the provisions of the Franchise, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

SECTION 7-507 Miscellaneous Provisions

A. Preemption. If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the Franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by Franchising Authority, the jurisdiction of Franchising Authority shall cease and no longer exist.

B. Employment Requirements. Grantee shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, religion, sex, national origin, marital status, physical disability, medical condition, age, status as a Disabled Veteran, Recently Separated Veteran, Other Protected Veteran, Armed Forces Service Medal Veteran, Sexual Orientation or Genetic Information. Grantee shall maintain and carry out a continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices.

C. Actions of Franchising Authority. In any action by either Franchising Authority or Grantee, or representatives thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

D. Notice. Unless expressly otherwise agreed between the parties, every notice or response to be served upon Franchising Authority or Grantee shall be in writing, and shall be deemed to

have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service.

The notices or responses to Franchising Authority shall be addressed as follows:

Town of Okeene
P. O. Box 800
Okeene, OK 73763

The notices or responses to Grantee shall be addressed as follows:

Pioneer Telephone Cooperative, Inc.
Attention: Scott Ulsaker, Division Manager
P. O. Box 539
Kingfisher, OK 73750

Franchising Authority and Grantee may designate such other address or addresses from time to time by giving written notice to the other party.

E. Descriptive Headings. The captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

F. Severability. If any Section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which shall remain in full force and effect for the term of the Franchise, or any renewal or renewals thereof.

Note: Approved as Ordinance No. 2014-1 approved on March 11, 2014.

ARTICLE 6

USE TAX

SECTION 7-601 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF

INTANGIBLE, PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or bought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of 4.25% of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

SECTION 7-602 EXEMPTIONS.

The provisions of this Article shall not apply:

A. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

B. In respect to the use of tangible, personal property purchased for resale before being used;

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Okeene Use Tax Ordinance, had been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the Town

of Okeene Use Tax Code, the provisions of this Section shall also apply to it by a rate measured by the difference only between the rate by both the Oklahoma Use Tax Code and the Town of Okeene Use Tax Code, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

E. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;

F. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;

G. In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads;

H. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

SECTION 7-603 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this Article is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-604 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all

times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

SECTION 7-605 COLLECTION OF TAX BY RETAILER OR VENDOR.

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible, personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this town.

SECTION 7-606 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-state business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be canceled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipal Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

SECTION 7-607 REVOKING PERMITS.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, § 1408, by order revoke tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state, may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-608 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

SECTION 7-609 INTEREST AND PENALTIES; DELINQUENCY.

Title 68 O.S. § 217, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Article.

SECTION 7-610 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty of any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipal tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. § 227, and to accomplish

the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

SECTION 7-611 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

SECTION 7-612 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Article shall be an offense and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars ($100.00) and costs. Each day of noncompliance with this Article shall constitute a separate offense.

SECTION 7-613 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipal Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. § 205, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipal Use Tax as is herein set forth in full.

SECTION 7-614 PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipal ordinances.

SECTION 7-615 PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other

section, paragraph, sentence or clause thereof.

SECTION 7-616 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, 68 O.S. § 1401 are hereby adopted by reference and made a part of this Article. In addition thereto, the following words and terms shall be defined as follows:

1. Town shall mean the Town of Okeene, Oklahoma.

2. Transaction shall mean sale.

SECTION 7-617 TAX COLLECTOR DEFINED.

The term "tax collector" as used herein means the department of the municipal government or the official agency of the state, duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

SECTION 7-618 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

SECTION 7-619 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this Article hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose.

SECTION 7-620 PURPOSES OF REVENUES.

It is hereby declared to be the purpose of this Article to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

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CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the Town shall allow trash to accumulate, or weeds to grow or stand upon such real property.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-111C.

Section 8-102 DEFINITIONS.

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Cleaning" means the removal of trash from property;

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

3. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which in uncared for, discarded or abandoned; and

4. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

   a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

   b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

   c. Harbors rodents or vermin;

d. Gives off unpleasant or noxious odors;

e. Constitutes a fire or traffic hazard; or

f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the Town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the Town, shall report the condition to the Town Administrator, if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;

2. A hazard to traffic; or

3. A fire hazard to property.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY.

The Town may cause property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless the work is performed within ten (10) days of the date of the notice the work shall be done by the Town and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the Town. At the time of mailing of notice to the

property owner, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing of same, notice may be given by posting a copy of the notice on the property or by publication, as provided in Section 1-102 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action by the Town. If the Town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by certified mail or publication, shall state:

a. That any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the Town;

b. That the costs of such abatement shall be assessed against the owner; and

c. That a lien shall be imposed on the property to secure such payment, all without further prior notice to the property owner.

At the time of each summary abatement the Town Administrator shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided in Section 8-105. Provided however, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this Section;

2. The owner of the property may give his written consent to the Town authorizing the removal of the trash or the mowing of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the Town;

3. The mayor and Town Board hereby designate the zoning officer to carry out the duties of the mayor and Town Board as provided by Sections 8-101 through 8-107 of this Article. A hearing may be held by the zoning officer of the Town to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the mayor and Board from any

order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk within ten (10) days after the administrative order is rendered; and

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the Town. Immediately following the cleaning or mowing of the property, the Town clerk shall file a notice of lien with the county clerk describing the property and the work performed by the Town, and stating that the Town claims a lien on the property for the cleaning or mowing costs.

Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS.

The zoning officer shall determine the actual cost of such cleaning and mowing and any other expenses that may be necessary in conjunction therewith, including the cost of notice and mailing. The Town clerk shall forward by mail to the property owner specified in Paragraph 1 of Section 8-104 a statement of the actual cost and demanding payment. In cleaning and mowing are performed by the Town, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Section 8-106 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the statement, the Town clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied upon the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the country treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. At any time prior to collection as

provided in this Section, the Town may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, if any, the Town clerk shall forward to the county treasurer a notice of such payment and directing discharge
of the lien.

Section 8-107 EXCEPTION

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, a municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this Article but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this Town.

Section 8-109 Outdoor and Open Burning

A. Purpose. This section is intended to promote, protect and safeguard the health, safety and welfare of the residents of the Town of Okeene by regulating the fire hazards of outdoor and open burning.

B. Applicability. This section applies to all outdoor and open burning within the Town of Okeene. Provided however:

1. This section does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2. This section does not apply to the burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

3. This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene, in a devise intended for heating, construction or maintenance activities.

C. Definitions. The following words shall have the meanings ascribed to them in this subsection as follows:

1. "Construction and demolition waste" shall mean building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair and demolition operations.

2. "Fire Chief" shall mean the Fire Chief of the Town of Okeene or designee.

3. "Outdoor burning" shall mean the open burning, but not include burning in an outdoor wood-fired boiler or patio wood burning unit.

4. "Open burning" shall mean kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

5. "Outdoor wood-fired boiler" shall mean a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

6. "Patio wood-burning unit" shall mean a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

7. Refuse shall mean any waste material except trees, logs, brush, stumps, leaves, grass clippings and other vegetative matter.

D. General Prohibition. Open burning and outdoor burning are prohibited within the corporate limits of the Town of Okeene unless the burning is specifically permitted by this section.

E. Open Burning of Refuse and Construction and Demolition Waste. Open burning of refuse and construction and demolition waste is prohibited.

F. Open Burning of Trees, Logs, Brush, Stumps, Leaves, Grass Clippings and Agricultural Burns. Open burning of trees, logs, brush, stumps, leaves, grass clippings and agricultural burns is prohibited unless permitted in accordance with all of the following provisions:

1. A permit issued in accordance with subsection G of this section must be obtained prior to the open burning.

2. Open burning of trees, logs, brush, stumps, leaves, grass clippings and agricultural burns must be done on tracts of real property at least five (5) acres in size and not within 100 feet from the nearest building which is not on the same property.

3. No open burning shall occur during a county or state burn ban.

4. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or the airport. Open burning shall be conducted in conformance with all local and state fire protection regulations.

5. Open burning shall be conducted only on the property on which the materials were generated.

6. Open burning is limited to daylight hours only.

7. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

G. Permits.

1. No person shall start or maintain any outdoor burning or open burning covered under this section in violation of any provision in this section and without first obtaining a burning permit issued by the Fire Chief.

2. There shall be no fee charged for the permit.

3. When weather conditions warrant, the Fire Chief may temporarily suspend issuing open burning permits.

4. A burning permit issued under this section shall require compliance with all applicable provisions of this section and any additional restrictions deemed necessary to protect the public health and safety.

5. Without regard to whether a permit has been issued or not, no person shall start or continue any open burning when

otherwise directed by the Fire Chief.

6. As a part of the permit, and when deemed necessary to protect the health, safety and welfare of the town, the Fire Chief can determine that any open burning must be accomplished under the supervision of the fire department member(s) during any part or the entire period of the open burning, with the charges for such supervision to be billed to the permittee. An appropriate deposit shall be set by the Town Administrator and paid to the Town prior to the issuance of the permit.

7. The Fire Chief can list additional requirements on the face of the permit in order to better protect the public and which requirements shall be followed as if they were specifically listed in this section.

8. Any violation of the conditions of a burn permit or this section, by act or omission, shall be deemed a violation and subject the person to a fine of not greater than the general penalty provided in this municipal code, plus state assessments and costs. Any violation of this section or the burn permit shall void the permit.

Note: This Section was amended by Ordinance No. 2011-03 approved on June 14, 2011.

Section 8-110 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this Town, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

Section 8-111 UNLAWFUL TO LITTER.

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the Town or upon any real property owned or occupied by another.

B. It is unlawful for any person to litter.

Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES.

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the Town any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES.

A. It is unlawful for any person to leave in a place accessible to children any abandoned or discarded ice box, refrigerator, or other container which has an airtight door with a lock or fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock or fastener.

B. It is unlawful to utilize the premises of any property for the open storage of any stove or other appliance which has been abandoned, discarded or is in disrepair.

ARTICLE 2

(RESERVED)

ARTICLE 3

NUISANCES

Section 8-301 DEFINITION.

A nuisance shall mean the doing of an act unlawfully or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health and safety of others; or

2. Offends decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any lake or navigable river,

stream, canal or basin, or any square, street highway or public parking; or

4. In any way renders other persons insecure in life, or in the use of property; or

5. Involves the maintenance of any building or structure within the Town limits which by reason of age, dilapidation or decay is unsafe for occupancy; or constitutes a haven or refuge for vermin and rodents; or presents a fire hazard and endangers the security of other property; or

6. Permits the accumulation of rank vegetation, weeds, grass or other noxious matter or putrid substances; or in maintaining any trash, piles of rubbish, manure or other refuse which is dangerous to health or which in any manner constitutes a fire hazard.

State Law Reference: Similar provisions, 50 O.S. Section 1.

Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE.

No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.

Section 8-303 ABATEMENT.

A. In addition to prosecution for violation of Section 8-302, whenever a nuisance is found to exist, the mayor may cause notice thereof to be given to the person maintaining or creating the nuisance or to the person owning or having control of the property upon which said nuisance exists, to abate such nuisance within the period of time stated in the notice, which shall be not less than three (3) days from the receipt of said notice. The notice shall be served personally or by certified mail. In the event the address is unknown or the person cannot be located the notice shall be posted upon the property involved and published in the official paper of the Town for a period of five (5) days. If notice is published the person in charge shall have ten (10) days from the last publication in order to abate such nuisance. In the event the nuisance is not abated after such notice as required, the mayor shall have the authority to abate it and charge the cost thereof to the person creating, maintaining or owning or in control of the property upon which the nuisance is created or maintained, and the person so charged shall be afforded an opportunity to appear and present witnesses and be heard. Should the governing body find that a nuisance has been created or maintained the person responsible shall be given a reasonable length of time to abate it.

B. Any person who fails to abate any nuisance as required by this article shall be guilty of an offense.

State Law Reference: Authority to define, prevent, remove and abate nuisances, 11 O.S. Section 22-121.

ARTICLE 4

MOTOR VEHICLES & OPEN STORAGE

Section 8-401 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the Town in places other than authorized junk yard or other areas authorized by the Town Board and which tend to do any one or more of the followings:

1. Impeded traffic in the streets;

2. Reduce the value of private property;

3. Create fire hazards;

4. Extend and aggravate urban blight; or

5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the Town, are hereby declared to be a nuisance.

State Law Reference: Removal of abandoned vehicles on private property, 47 O.S. Section 954A; Grounds for removal of vehicles on state highways, 47 O.S. Section 955.

Section 8-402 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

1. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" is any motor vehicle, which does not have lawfully affixed thereto an unexpired licence plate or plates, the condition of which is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and is incapable of being moved under its own power and is not stored in compliance with or is not exempt from compliance with Section 8-403.2. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean any motor vehicle located on any private or public property in the condition of which such motor vehicle is in

disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and incapable of being moved under its own power, and remains in such condition for a period of three (3) months, without regard to whether such motor vehicle has lawfully affixed thereto an unexpired licence plate or plates. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean motor vehicles used in demolition races or derbies or similar contests.

2. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground or the water and shall include, but not be limited to, automobiles, buses, boats, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;

3. "Private property" means any real property within the Town which is privately owned and which is not public property as defined in this Section; and

4. "Public property" means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

5. "Appropriate screen" shall mean an aesthetic barrier with a minimum opaque barrier not less than five (5) feet in height enclosing the junk motor vehicle. Such screen or barrier shall be dense landscaping, or a solid lumbar or masonry fence, wall or combination thereof, and may include the use of the walls of the residence or other building or structure, similar existing fencing, similar existing dense landscaping, all of which shall be of at least an equivalent height and capacity, and located on such property to provide for such enclosure. If solid lumber fencing is used, it shall be treated or painted in earth tone colors.

Section 8-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.

1. No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind, whether attended or not, upon any public or private property within the town. The presence of a junk motor vehicle or parts thereof, on private or public property is hereby declared a nuisance and a public offense and may be abated as such in accordance with the provisions of this Chapter.

2. This Section shall not apply to any motor vehicle:

a. Enclosed within a building on private property;

b. Completely within an appropriate screen in the side or back yard on private property;

c. Held, stored or parked in connection with a lawfully operated business enterprise and on property operated in the appropriate zone, pursuant to the zoning laws of the Town;

d. In operable condition and is not a junk motor vehicle as defined herein.

e. Motor vehicles parked on private property which display an unexpired licence plate or plates, but which motor vehicles are temporarily out of service due to mechanical breakdown or damage, but only so long as the owner thereof makes diligent efforts to place same back into operable condition, and shall not remain on such private property in such condition for longer than three (3) months.

f. owned by the Town in an appropriate storage place maintained, in a lawful place, by the Town.

SECTION 8-404 PROCEDURES FOR ABATEMENT.

The provisions for abatement of "public nuisance" contained in section 8-101 et seq. of this code shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the Town for a period of time in excess of twenty-four (24) hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

SECTION 8-405 PRESUMPTION OF ABANDONMENT.

A rebuttable presumption shall exist that vehicles have been abandoned when:

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

2. One or more wheels are flat or missing and the vehicle or boat displays an expired license or inspection tag;

3. Portions of the vehicle which are needed for its operation

or control are missing.

4. The Town has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or

5. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

SECTION 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.

Whenever it comes to the attention of the administrative officer that any junk vehicle, as defined herein, exists as a public nuisance in the Town, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance "Notification to Remove" shall be placed on the vehicle advising the owner of the violation of Town code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable as provided in Section 1-108 of this code.

SECTION 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

SECTION 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The administrative officer or his designee shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The Notice of Removal shall contain the demand for removal within ten (10) days, and the Notice to Remove shall state that upon failure to comply with the Notice to Remove, the Town

shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

SECTION 8-409 HEARING.

A. Any person to whom any Notice to Remove is directed pursuant to the provisions of this chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the administrative officer within the ten-day compliance period, for the purpose of contesting the Town's demand for removal. The administrative officer, chief of police or his designee and the Town attorney or his designee shall constitute a hearing board to hear the request.

B. The hearing shall be held as soon as practicable, but not earlier than five(5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the Town and the person to whom notice has been directed may introduce witnesses and evidence.

C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, may appear in municipal court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant to this chapter shall be assessed court costs in addition to any other penalty assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the Town attorney may recommend to the municipal court that charges be dropped.

SECTION 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the Notice to Remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by administrative officer or his designee, the Town attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the Town shall in the discretion of the administrative officer take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the administrative officer authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this

chapter.

SECTION 8-411 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle, the administrative officer or his designee shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the vehicle or motor vehicle, has been impounded and stored for violation of this chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

SECTION 8-412 DUTY OF PRIVATE CONTRACTOR.

Any private contractor who causes the vehicle to be removed pursuant to the order of any authorized Town employee, shall satisfy all state laws with respect to notice and sale, prior to satisfying its towing and storage lien.

SECTION 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of any vehicle or motor vehicle impounded under the provisions of this chapter may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the private contractor of such sum as may be determined to be the actual and reasonable expense of removal plus storage.

SECTION 8-414 PENALTY; CONTINUING VIOLATIONS.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall upon conviction be deemed guilty of an offense against the Town. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in Section 1-108 of this code.

Section 8-415 OPEN STORAGE OF MATERIALS

The entire front yard area of any residentially zoned lot located in the Town, to include side yards not appropriately screened as provided in Section 8-402.4 hereinabove, shall be kept and maintained free and clear of all building and automotive materials, trash, junk, debris, household appliances, chairs, couches, all manner of other items constructed for use inside the building or residence, junk motor vehicles and camper shells not

mounted on motor vehicles, and trash, and junk and debris filled boats and trailers, including utility trailers.

ARTICLE 5

DILAPIDATED AND UNSECURED BUILDINGS; GRAFFITI

Section 8-501 DEFINITIONS.

A. As used in this Article:

1. "Dilapidated building" means:

a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,

b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,

c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by Section 8-504 of this Article, more than three times within any twelve-month period,

d. a structure which has been boarded and secured, as defined by Section 8-504 of this Article, for more than thirty-six (36) consecutive months, or

e. a structure declared by the municipal governing body to constitute a public nuisance.

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE REMOVAL.

The Town may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this Article:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property

before the hearing provided for herein may be held. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to the provisions of this Section; or

2. The Town Administrator ("zoning officer")is hereby designated by the mayor and Town Board to carry out the duties of the mayor and Town Board specified in this Article. A hearing shall be held by the zoning officer of the Town to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the zoning officer may cause the dilapidated building to be torn down and removed. The zoning officer shall fix reasonable dates for the commencement and completion of the work. The Town clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the zoning officer at the hearing, and stating that the Town claims a lien in the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the Town are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within the dates fixed by the zoning officer. The property owner shall have the right of appeal to the mayor and Board from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk within ten (10) days after the administrative order is rendered.

Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS

A. The zoning officer shall determine the actual cost of the

dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The Town clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to the mortgage holder at the address provided in Section 8-502. At the time of mailing of the statement of costs to any property owner or mortgage holder, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the Town dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. When payment is made to the Town for costs incurred, the Town Clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the Town clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. At any time prior to collection as provided for in this paragraph, the Town may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the Town clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

C. Nothing in the provisions of this Article shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

D. The officers, employees or agents of the Town shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Article or as otherwise prescribed by law.

E. The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS, PROCEDURE, NOTICE.

A. After a building has been declared dilapidated, as provided in this Article, and before the commencement of the tearing and removal of a dilapidated building, the Town Board may authorize such a building to be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the Town may authorize the structure to be demolished pursuant to this Article.

B. The Town may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with Article 1.

C. The zoning officer is hereby designated by the mayor and Town Board to carry out the following duties of the mayor and Town Board. The zoning officer may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the Town orders such action, at least ten (10) days's notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 8-502. At the time of mailing of notice to any property owner or mortgage holder, the Town clerk shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. Section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the Town or zoning officer pursuant to the provisions of this Section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with subsection C.9. of this Section, the

notice shall state: that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

2. The owner of the property may give his written consent to the Town authorizing the boarding and securing of such unsecured building and to the payment of costs incurred thereby. By giving the written consent, the owner waives any right the owner has to a hearing by the Town Board;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the Town Board to determine whether the boarding and securing of the unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of Article 1. In making such determination, the Town Board shall apply the following standard: the Town Board may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.

4. After the Town Board orders the boarding and securing of the unsecured building, the Town clerk shall immediately file a notice of lien with the county clerk describing the property, stating the findings of the Town at the hearing at which such building was determined to be unsecured, and stating that the Town claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing the notice;

5. Pursuant to the order of the Town Board, the agents of the Town are granted the right of entry on the property for the performance of the boarding and securing of the building and for the performance of all necessary duties as a governmental function of the Town;

6. After an unsecured building has been boarded and secured,

the Town Board shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and the mailing. The Town clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs to any property owners and mortgage holders as provided in Section 8-503. At the time of mailing of the statement of costs to any property owner or mortgage holder, the Town clerk shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the Town boards and secures any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

7. When payment is made to the Town for costs incurred, the Town clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the dilapidated building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the Town clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

8. The property owner or mortgage holder shall have a right of appeal to the mayor and Town Board from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk within ten (10) days after the

administrative order is rendered.

9. If the Town causes a structure within the Town limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the Town clerk shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the Town clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in subsection 1 of this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in subsection 7.

10. The mayor and Town Board may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this Section even though such building has not been declared, by the governing body, to be dilapidated.

11. For the purposes of this subsection:

a. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure,

b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure, and

c. "unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

Section 8-505 OTHER POWERS.

Nothing in the provisions of this Article shall prevent the

Town from abating an unsecured dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

Section 8-506 EXCEPTION.

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-507 REMOVAL OF GRAFFITI.

A. The Town may cause graffiti to be removed from property within the Town limits in accordance with the following procedures:

1. The property owner and the tenant, if any, may give their written consent to the Town authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the Town as otherwise required by this Section;

2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the Town may remove the graffiti without such consent pursuant to the procedures set forth in this Section;

3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the Town. At the time of mailing of notice to the property owner and the tenant, if any, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the Town. If the mayor and Town Board anticipates summary abatement of graffiti in accordance with the provisions of this Section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the Town without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement.

4. A hearing may be held by the mayor and Town Board to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;

5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the agents of the Town are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the Town.

6. The Town hereby designates the zoning officer to perform the functions set forth in this Section. The property owner and the tenant, if any, shall have a right of appeal to the mayor and Town Board from the decision of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the Town clerk within ten (10) business days after the administrative order is rendered.

B. If a notice is given by the Town to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this Section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the Town, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this Section.

C. Removal of graffiti by a Town pursuant to the provisions of this Section shall be performed at the sole expense of the Town. In removing the graffiti, the Town shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

D. Nothing in the provisions of this Section shall prevent the Town from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

E. The Town and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this Section.

F. For the purposes of this Section:

1. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;

2. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

4. "Removal," "remove," or "removed," when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and

5. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

ARTICLE 6

ENFORCEMENT

Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the mayor and Town Board. It is the intent and purpose of the mayor and Town Board of Trustees to delegate the enforcement of the health ordinances of this Town as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing Board upon an appeal from an offender.

Section 8-602 OBSTRUCTING HEALTH OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer or officer charged with the enforcement of the health laws of this Town.

Section 8-603 QUARANTINE; VIOLATIONS.

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

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CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

SECTION 9-101 LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS
SECTION 9-102 SEPARATE LICENSES REQUIRED
SECTION 9-103 LICENSE TO BE DISPLAYED
SECTION 9-104 LICENSE MAY BE REVOKED
SECTION 9-105 TRANSFER OF LICENSE PROHIBITED
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SECTION 9-107 ISSUANCE AND EXECUTION
SECTION 9-108 SUBJECT TO STATE LAW AND TOWN ORDINANCES
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CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

Section 9-101 LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS.

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, privilege or other activity for which a license is required or a license fee or tax is levied by any provision of this code or other ordinance of the Town, without paying the license fee or tax and securing and possessing a valid license therefor.

B. A license fee is levied on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this Town, as may be provided by the Town Board.

C. In order to receive a license under this code, every person, firm or corporation regulated pursuant to this Section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject collection of sales taxes under the sales tax code of the Town and state. A copy of this permit shall be provided by the applicant for a license to the Town clerk prior to issuance of the Town license.

Cross Reference: See also 3-101 et seq. on alcohol and beer licenses, 5-201 et seq. on plumbers, electricians.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Section 22-106, 22-107.

Section 9-102 SEPARATE LICENSES REQUIRED.

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the Town, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

Section 9-103 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall

conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who request to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement device, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

Section 9-104 LICENSE MAY BE REVOKED.

Any license issued by the Town to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the Town Board after adequate opportunity for a hearing.

Section 9-105 TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this Town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

Section 9-106 DUPLICATE LICENSE.

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the Town Clerk an affidavit that the licensee has in fact lost or destroyed the license without any wrongful act of connivance by the licensee.

Section 9-107 ISSUANCE AND EXECUTION.

The Town Clerk shall issue a license required by this code or other ordinance, when the applicant has filed a proper application, therefor, paid the required tax or fee and complied with all other requirements prescribed for obtaining such license. Each such license so issued shall be signed by the mayor and Town Clerk and the corporate seal of the Town shall be affixed thereto. Such license shall be in suitable form and express the purpose for which it is issued.

Section 9-108 SUBJECT TO STATE LAW AND Town ORDINANCES.

All licenses shall be issued subject to the ordinances of the Town and the laws of the state. No license shall be construed as authority to do or omit to do any act in violation of law or ordinance.

Section 9-109 APPEALS.

In the event any applicant shall be denied a license by the Town Clerk, said applicant shall have the right to appeal to the Town Board at the next regularly scheduled meeting, and said Town Board shall have the right and power to overrule said denial and to issue a license.

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201 DEFINITIONS.

A. As used in this Article the terms "solicitor" or "canvasser," shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

B. As used in this Article the term "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance.

C. As used in this Article, the term "itinerant merchant/transient street vendor" shall mean any person engaged in the business or occupation of selling any merchandise, products or services from a temporary indoor or outdoor location obtained from an owner or lease holder or obtained by occupying the location without permission, or by occupying a location on a street right-of-way. Itinerant merchant/transient street vendors will not

include:

1. Participants in wholesale trade shows or conventions, trade fairs, or flea markets;

2. Sellers of Bibles, agricultural goods, including Christmas trees and firewood, or crafts or items made by hand;

3. Participants in fairs and convention center activities conducted primarily for amusement or entertainment;

4. Participants in residential garage sales; or

5. Individuals who maintain a permanent place of business in this state and has a registered agent therein upon whom process, notice or demand permitted by law may be made.

D. As used in this Article, the term "coupon book seller" shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sales of coupon books which are to be used for discounts or free goods, wares, merchandise, personal property of every nature whatsoever, for future delivery, whether or not such individual has, carries or exposes for sale a sample of the coupon book for sale or whether he is collecting advance payments on such sales or not.

F. As used in this Article the term “special event” shall mean the Okeene Rattlesnake Roundup and all such other events designated as a special event by motion or resolution of the Okeene Town Board of Trustees.

Section 9-202 FRAUD, ETC.

It shall be unlawful and an offense for any solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller:

1. To harass, threaten, coerce, or otherwise unreasonably apply duress to any citizen or otherwise breach the peace while attempting to perform the services of a solicitor or coupon book seller;

2. To fail to provide any goods or services which have been paid for, in full or in part;

3. To defraud, trick, cheat or otherwise mislead any person into subscribing for or purchasing any good or service when the

solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller knows or should know that the good or service will not be provided or delivered.

Any person denied a license may appeal to the Town Board by filing notice thereof with the Town clerk within five (5) days of the denial. The Town Board shall render a decision at its next regular meeting.

Section 9-203 REQUIRED.

A. No person shall engage in the business of solicitor without first having obtained a solicitor's license, except persons soliciting on behalf of public schools or educational, religious or eleemosynary institutions.

B. No person shall engage in the business of peddler without first having obtained a peddlers license, except persons peddling on behalf of public schools or educational, religious or eleemosynary institutions.

C. No person shall engage in the business of itinerant merchant/transient street vendor without first having obtained an itinerant merchant/transient street vendor's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

D. No person shall engage in the business of coupon book seller without first having obtained a coupon book seller's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

E. No person shall employ any person covered by subsection A or D hereof without having obtained a solicitor's business license or a coupon book seller's business license.

F. Notwithstanding any provision contained in this Article to the contrary, no license for a solicitor, peddler, coupon book seller, canvasser, hawker, huckster, mobile food vendor or itinerant merchant/transient street vendor shall be effective during special events. The special event organizer/sponsor is hereby authorized to issue special event vendor permits, which permits shall be in compliance with the provisions of this Article, during special events within the special event area. No person or other entity shall operate as a solicitor, peddler, coupon book seller, canvasser, hawker, huckster, mobile food vendor or itinerant merchant/transient street vendor during any special event without having obtained a special event vendor permit from the special event organizer/sponsor. The provisions contained in this

Article relating to persons and entities operating as a solicitor, peddler, coupon book seller, canvasser, hawker, huckster, mobile food vendor or itinerant merchant/transient street vendor shall equally apply to persons and entities operating pursuant to a special event vendor permit issued by the special event organizer/sponsor during special events within the special event area.

State Law Reference: Authority to license solicitors, 11 O.S. Section 22-106.

Note: Subsection was added by Ordinance No. 2016-3 approved on March 8, 2016.

Section 9-204 APPLICATION.

An application for a solicitor's, peddler's, itinerant merchant/transient street vendor's or coupon book seller's license shall be sworn to and filed with the Town Clerk. It shall contain the following:

1. Full name, description, birth date, and social security number of each individual applicant.

2. Address, both permanent and local.

3. Nature of business and kinds of goods to be sold, and if applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates and controls.

4. If employed by another, the name and address of applicant's employer together with a brief description of credentials showing the exact relationship.

5. Description and license number or other identification of any vehicle to be used.

6. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma Sales Tax claimed.

9. The names of at least two (2) reliable property owners in the Town, provided, however, for itinerant merchant/transient

street vendors, two (2) reliable property owners from within the state will suffice, who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

10. Documents from the county court clerk's office that establish that the business has complied with state law, in particular the requirements of posting bond pursuant to Title 19 of Oklahoma Statues Section 1608. This provision is to apply only to itinerant merchant/transient street vendors.

Section 9-205 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION.

An application for a solicitor's business license or a coupon book seller's business license shall be sworn to and filed with the Town clerk. It shall contain the following:

1. Name and description of applicant, and, if applicable, corporation, business or firm represented.

2. Address of applicant, both permanent and local, and, if applicable, address of corporation, business or firm represented.

3. A description of the nature and type of business to be carried on, including kinds of goods to be sold. For coupon book sellers, a copy of all contracts with merchants for delivery of goods and services. For solicitors and coupon book sellers, a copy of the sales pitch shall be furnished the Town if one is to be made over the telephone.

4. Description and license number or other means of identification of automobiles or means of transportation to be used, if any.

5. The names of at least two (2) reliable property owners in the Town who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

6. A statement as to whether or not the applicant or any employees of applicant have been convicted of a crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and the punishment assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption

from Oklahoma and local sales tax claimed.

9. The names, addresses and description of all solicitors and peddlers employed by applicant.

Section 9-206 INVESTIGATION AND ISSUANCE.

A. Upon receipt of the application for a solicitor's license, solicitor's business license, coupon book seller's license, or coupon book seller's business license, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

B. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the chief of police shall so endorse on the application and return it to the Town Clerk, and no license shall be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse on the application and return it to the Town Clerk who shall then issue the license upon payment of the required fee.

Section 9-207 FEE.

No person shall be issued a solicitor's, peddler's, itinerant merchant/transient street vendor's, coupon book seller's license, solicitor's business license or coupon book seller's business license until he pays a license fee as set forth in the Town's fee schedule.

Section 9-208 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER.

For purposes of the suspension or revocation of a solicitor's business license or a coupon book seller's license, it shall be sufficient to show that any solicitor or seller in the employ of such license holder has violated any provisions of this article.

Section 9-209 TERM.

Any license issued pursuant to the terms of this article shall expire one year from the date of its issuance.

Section 9-210 DISPLAY.

Solicitors, peddler, itinerant merchant/transient street vendors and coupon book sellers employing solicitors, peddlers, itinerant merchant/transient street vendors and coupon book sellers shall exhibit their licenses at the request of any person.

Section 9-211 TRANSFER.

No license issued under the provisions of this article shall be transferable.

Section 9-212 EXCEPTION FOR INTERSTATE COMMERCE.

If any individual, whether a solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller is engaged in interstate commerce, the individual must bring in proof of the interstate commerce nature of his business to the Town Clerk. The Town Clerk will make a determination of whether or not the business does involve interstate commerce. If it does, a license will be issued and the fee will be waived. If not, the individual can be licensed pursuant to the licensing requirements in this chapter. A denial of the interstate commerce exception of the fee process may be appealed to the Town Board.

SECTION 9-213 MOBILE FOOD VENDOR LICENSE

A. DEFINITION: Mobile Food Vendor is any owner or lessee of any commercially manufactured mobile food vehicle or trailer in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution, and who provides food and/or drink to persons. Mobile Food Vendor includes but is not limited to pushcarts, food trucks or trailers, snow cone stands or coffee/drink stands.

B. LICENSE REQUIRED; APPLICATION; FEE:

1. It shall be unlawful for any person to operate as a Mobile Food Vendor within the Town without first having obtained a license for that purpose.

2. Application: Every application for a Mobile Food Vendor license shall be in writing, signed and sworn to by the applicant, and shall be filed with the Town clerk. The application shall be on a form provided by the Town Clerk and shall contain the following:

a. If the applicant is an individual, the name, date of birth, telephone number and address of the applicant; if a partnership, the business name of the partnership and the name,

date of birth, telephone number and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof.

b. The names under which the applicant has engaged, does engage and proposes to engage in food service.

c. Proof that the Mobile Food Vendor possess a current Mobile Food Service Establishment License issued by the Oklahoma Department of Health.

d. Copy of Oklahoma sales tax permit.

e. Nature of business and kinds of food and/or drink to be sold.

f. Description and license number or other identification of any vehicle to be used.

g. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

h. The names of at least two (2) reliable property owners from within the state will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

i. A signed statement that the vendor shall hold harmless the Town and its officers and employees, and shall indemnify the Town, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. In addition, the license shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the Town from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars ($1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the Town. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Town.

j. The payment of the following license fee:

(1) One (1) day license for Ten Dollars ($10.00)

(2) Six (6) month license for Fifty Dollars ($50.00)

(3) One (1) year license for Seventy-Five Dollars ($75.00).

C. GEOGRAPHICAL AND OTHER RESTRICTIONS.

1. Licensee shall be authorized to provided Mobile Food Vendor services on private property in commercial and industrial zoning districts or on the street immediately in front of such location if permitted in writing by the owner of the property or the Town, respectively.

2. Licensee shall not sell within one hundred fifty feet (150') of any public or private school during school hours or during school related events except when authorized in writing by said school.

3. Licensee shall not sell within one hundred fifty feet (150') of the entrance to a stationary business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the licensee unless authorized in writing by said stationary business establishment.

4. Licensee shall not sell within one hundred fifty feet (150') of a restaurant, cafe or other stationary eating establishment which is open for business unless authorized in writing by the stationary eating establishment.

5. Licensee shall not sell within one hundred fifty feet (150') of a public park or in a public park unless authorized in writing by the Town.

6. Licensee shall not sell during a special event on public property unless licensee is authorized to take part in the special event.

7. Drive-through/drive-by service and seating are not authorized.

8. Garbage receptacles shall be provided for customer use. Licensee shall be responsible for cleaning all of the public way surrounding the licensee's location of all debris, trash and litter generated by the vendor's activities at that location.

D. Notwithstanding any other provision in this municipal code to the contrary, no other license shall entitle any person, corporation or other entity to operate a mobile food vendor within

the Town of Okeene, except as provided in Section 9-203.F of this municipal code.

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CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL

Section 10-101 ATTEMPT TO COMMIT AN OFFENSE.

Any person who attempts to commit a violation of any Town ordinance and does any act toward the commission thereof, but fails or is prevented or interrupted from committing such violation, is guilty of an offense.

State Law Reference: Attempts, 21 O.S. Section 41 et seq.

Section 10-102 AIDING AND ABETTING.

No person shall knowingly aid, abet or assist, directly or indirectly, any other person in the commission of a violation of a Town ordinance.

State Law Reference: Aiding in a misdemeanor, 21 O.S. Section 28.

Section 10-103 - 10-109 RESERVED.

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

Section 10-201 ASSAULT.

A. No person shall commit an assault.

B. As used in subsection A the term "assault" shall mean any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

State Law Reference: Assault defined, 21 O.S. Section 641; punishment for assault, 21 O.S. Section 644.

Section 10-202 BATTERY.

A. No person shall commit a battery.

B. As used in subsection A the term "battery" shall mean any willful and unlawful use of force or violence upon the person of another.

State Law Reference: Battery defined, 21 O.S. Section 642; punishment for battery, 21 O.S. Section 644.

Section 10-103 FIGHTS OR QUARRELS.

No person shall wrangle, quarrel, fight or challenge another to fight within the Town.

State Law Reference: Disturbing the peace by fighting, quarreling, etc. 21 O.S. Section 1362; duels and challenges, 21 O.S. Section 661 et seq.

Section 10-104 - 10-106 RESERVED.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

Section 10-301 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Petit larceny" shall mean the taking of personal property not exceeding Five Hundred Dollars ($500.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

"Private property" shall mean any property other than public property.

"Public property" shall mean that property which is dedicated to the public use and over which the federal, state or municipal governments or any political subdivision thereof exercises control and dominion.

State Law Reference: Larceny defined, 21 O.S. Section 1701; petit larceny defined, 21 O.S. Section 1704.

Section 10-302 TRESPASS ON PUBLIC PROPERTY.

A. No person shall trespass on public property.

B. As used in this Section:

1. "Trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such

entry or use.

2. "Official sign" shall mean any permanently fixed notice posted by the federal, state or municipal government owning or maintaining any said public property.

C. No person, who has the possession of any weapon, other than those persons exempted in this subsection, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any such weapons on said public property; provided however, the provisions of this subsection shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are under contract with the posting entity which owns, controls, leases or operates the posted premises.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-303 TRESPASS ON PRIVATE PROPERTY.

A. No person shall trespass on private property.

B. As used in subsection A, the term "trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied 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 be defined as the act of remaining on 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; provided that the provisions of this sentence 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 sentence apply unless hours of business operation are posted upon such premises. "Trespass" shall also be defined as 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 subsection.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY.

No person shall maliciously injure, deface or destroy any real

or personal property, either public or private, which is not his own.

State Law Reference: Tampering, destroying, etc., property, 21 O.S. Section 349, 372, 1751, 1753-1755, 1757, 1758, 1759, 1762, 1765, 1767.1, 1768, 1770-1779, 1784-1787, 1789, 1831.

Section 10-305 LARCENY.

No person shall commit the offense of petit larceny.

State Law Reference: Larceny, 21 O.S. Section 1704, 1706, 1709, 1710, 1723, 1722, 1731.

Section 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.

A. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of Five Hundred Dollars ($500.00), or less, 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, shall be guilty of an offense.

B. As used in this Section:

1. The term "false or bogus check or checks" shall include checks or orders given for money or property or in any case where the maker receives a benefit or thing of value 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, uttering 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; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

2. The word "credit" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

State Law Reference: Similar provisions, 21 O.S. Section 1541.1, 1541.4, 1541.5.

Section 10-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION.

No person shall obtain any water, gas, electricity, cable or other type of service from any public utility except by express authorization and in the manner directed by such public utility.

Section 10-308 - 10-310 RESERVED.

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

Section 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC.

No person shall appear in a state of nudity or make any indecent exposure of his genitals or perform any lewd act in any public place not designed for same.

State Law Reference: Indecent exposure, public lewdness, etc., 21 O.S. Section 1021.

Section 10-402 PROSTITUTION.

A. It shall be unlawful for any person to commit an act of prostitution.

B. No person shall knowingly or intentionally pay, or offer or agree to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person.

C. As used in subsection A the term "prostitution" shall mean any sexual intercourse or deviate sexual conduct, which is performed for money or other property.

State Law Reference: Prostitution, 21 O.S. Section 1028 et seq.

Section 10-403 GAMBLING, DEFINITION.

As used in the division the term "gambling game" shall mean any game of faro, monte, poker, roulette, craps, wheel of fortune, or any banking or percentage game, or any other gambling game of

chance played with dice, cards or any other device whatsoever for property, money, checks, credit or any other representation of value.

Section 10-404 GAMBLING GAMES PROHIBITED.

No person shall deal, play or carry on, or open or cause to be opened, or to conduct, either as principal or agent, whether for hire or otherwise, any gambling game.

Section 10-405 SLOT MACHINES.

No person shall set up, operate or conduct, or permit to be set up, operated or conducted in or about his place of business whether as owner, employee or agent, any slot machine or other mechanical or electrical device for the purpose of having or allowing it to be played for money, property, checks, credits, or for any other representation of value.

State Law Reference: Similar provisions, 21 O.S. Section 941.

Section 10-406 GAMBLING ROOMS AND PARAPHERNALIA.

Any person who keeps or maintains a gaming room, gaming table, or any policy or pool tickets used for gaming, or knowingly permits a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or any person having any gaming paraphernalia in his possession, shall be guilty of an offense.

State Law Reference: Gambling, generally, 21 O.S. Section 941-995.18.

Section 10-407 DISORDERLY PLACES, DEFINITIONS.

As used in this chapter the term "disorderly house" shall mean 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 or Town ordinance; or

2. The violation of any ordinance or state statute regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one per cent alcohol by volume; or

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

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

Section 10-408 MAINTAINING A DISORDERLY HOUSE.

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

State Law Reference: Keeping a disorderly house, 21 O.S. Section 1026.

Section 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE.

A. 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.

B. The occurrence of any act in any house, building, structure, tent, vehicle, mobile home, or recreational vehicle which results in the conviction of any person in the municipal court for a violation of this Article, or of Section 10-408, shall, after the lapse of thirty (30) days from such conviction, constitute notice to all owners, lessors, and other persons having control thereof that such premises are being occupied as a disorderly house. However, no such notice as contemplated by this subsection shall be effective unless written notice of such conviction shall have been delivered in person to such owner, lessee, or other person having control over such premises by a duly authorized officer of the police department.

C. Any person required to discontinue any lease or permitted use of property by subsections A and/or B herein shall not accept any rents, fees, profits or consideration of any type from the lessees or other persons or corporations occupying or in control or possession of the premises at the time the disorderly house requiring such discontinuance of lease or permitted use occurred. Each day for which such rent, fee, profit or consideration is accepted shall constitute a separate offense.

State Law Reference: Leasing property for a disorderly house, 21 O.S. Section 1027.

Section 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES.

No person shall knowingly reside in, enter into, or remain in a disorderly house, provided however, that 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.

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

Section 10-501 RIOTOUS CONDUCT; DISTURBING PEACE.

No person shall conduct himself in a riotous or disorderly manner, or make or cause to be made any loud, or unnecessary, or offensive noise, or wantonly disturb the quiet of the Town or any lawful assembly of persons, or any church or religious meeting or any house, family or neighborhood, or any person.

State Law References: Riot generally, 21 O.S. Section 1311 et seq.; grossly disturbing the peace, 21 O.S. Section 22; disturbing the peace, 21 O.S. Section 1362.

Section 10-502 UNLAWFUL ASSEMBLY.

A. Any person who collects or assembles in crowds and bodies for unlawful or mischievous purposes in any place in the Town to the annoyance or inconvenience of other persons, or who shall be involved in, or incite or attempt to incite a riot, or who shall fail to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. No three (3) or more persons shall assemble together or act in concert to do any act with force and violence against the property of the Town, the person or property of another, or against the peace, or to the terror of others or make any movement or preparation therefor. No person shall remain present at the place of such assembly after being warned by a police officer to disperse.

State Law Reference: Riots and unlawful assembly, 21 O.S. Section 1311 et seq.

Section 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.

Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

Section 10-504 FIGHTING WORDS OR GESTURES.

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense.

State Law Reference: Similar provisions, 21 O.S. Section 1362.

Section 10-505 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 or police department or 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 run.

Section 10-506 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 10-507 ELUDING POLICE OFFICERS.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police vehicle, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does willfully attempt in any other manner to elude such police officer, or who does elude such peace officer, is guilty of an offense.

Section 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

It is unlawful for any person to disturb the peace and quietude of any part of the Town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this Section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

Section 10-601 OBSTRUCTING OR INTERFERING WITH OFFICIAL PROCESS.

No person shall oppose, obstruct or otherwise interfere with a police officer or other peace official in the discharge of his official duties.

State Law Reference: Obstructing police officers, 21 O.S. Section 540.

Section 10-602 RESISTING ARREST.

A. Resisting arrest 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.

B. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

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 before he is incarcerated in jail.

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

4. Resisting arrest is an offense.

Section 10-603 AIDING IN ESCAPE.

No person shall set at liberty or rescue or attempt by force or in any other manner to set at liberty any person who is under the legal custody and charge of an officer.

Section 10-604 ESCAPES FROM CUSTODY.

No person held in custody by any peace officer shall escape or attempt to escape from such officer or to attempt to break jail.

State Law Reference: Attempts to escape from jail, 21 O.S. Section 436.

Section 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

No person shall impersonate any officer or employee of the Town or falsely represent himself to be such an officer or employee or exercise any duties, functions and powers of any such officer or employee.

State Law Reference: Impersonation of public officer, 21 O.S. Section 263, 264, 1533.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

Section 10-701 CARRYING DANGEROUS WEAPONS.

A. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any dagger, Bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, prohibited knife, blackjack, loaded can, billy, hand chain, metal knuckles or any other offensive or dangerous weapon.

B. The provisions of subsection A shall not prohibit the proper use of knives for hunting, fishing or recreational purposes, nor shall subsection A be construed to prohibit any use of weapons in a manner otherwise permitted by Town ordinance or state statute.

C. As used in subsection A the term "prohibited knife" shall mean any knife which is not being carried while engaged in the performance of a lawful occupation or business, when such knife is:

1. Over six (6) inches in length; or

2. Has a blade over four (4) inches in length.

D. The police department shall seize the weapon upon the arrest of, or issuance of a citation to, any person for violating subsection A. Upon conviction of such a person of a violation of subsection A such weapon shall be forfeited to the Town.

State Law Reference: Carrying dangerous weapons, 21 O.S. Section 1272.

Note: Pistol and revolver removed from ordinance in codification due to change in state law prohibiting municipalities from regulating possession of hand guns.

Section 10-702 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

Section 10-703 DISCHARGING FIREARMS; EXCEPTIONS.

A. No person shall discharge any species of firearms, in the Town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property or when otherwise authorized by law or ordinance.

B. It is unlawful to discharge a rifle, firearm, BB gun, dart gun, or pellet gun within the Town limits.

Section 10-704 FIREWORKS REGULATED.

1. Except as otherwise provided by state law, fireworks may be stored, sold and used in the Town of Okeene, Oklahoma, in compliance with the terms and provisions of this section.

A. Fireworks may only be sold:

(1) From fireworks storage and sales areas located on real property zoned commercial or used for public or quasi-public purposes; and

(2) From the 15th day of June until the 4th day of July at 9:00 p.m.; and

(3) From fireworks storage and sales areas which shall be

subject to inspection by the fire department and shall be posted with signs reading "Fireworks - No Smoking"; and

(4) By a retail license holder who shall be at least sixteen (16) years of age and responsible for the safe operation of retail sales to the public.

B. Fireworks may only be discharged on July 2 and 3 from 9:00 a.m. until 10:30 p.m. and on July 4th from 9:00 a.m. until midnight (12:00 p.m.).

C. No fireworks shall be discharged by any person under the age of sixteen (16) unless such person is being directly supervised by their parent or guardian.

D. Unless specifically authorized by this section, the manufacture, sale, furnishing, storage, discharge, firing or use of fireworks within the corporate limits of the Town is hereby prohibited. Provided however, the transportation of fireworks in their unopened original packaging in a motor vehicle within the corporate limits of the City is not prohibited.

E. The chief of the fire department or the Town Board shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the Town, fair associations, amusement parks and other organizations, in accordance with the Town's fire code.

F. The chief of the fire department or any police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section.

2. No person permitted to discharge fireworks as provided in Sub-section 1.B hereinabove shall fail to clean up, and dispose in a proper trash container, any and all trash, mess and residue of the expended fireworks, within one (1) hour of the completion of such firework discharge event.

3. Notwithstanding any other provision in this municipal code to the contrary, no fireworks may be discharged in the town during a state or county burn ban.

4. Notwithstanding any contrary provision in this section, the Town may authorize and issue a permit for any public fireworks display at any time. Any person that interferes with any public fireworks display by discharging fireworks at or near the scene of the public display so as to threaten or endanger the pyrotechnians or interfere in any other manner shall be guilty of an offense.

5. No discharge of any personal or public firework displays shall be permitted on any state highway.

State Law Reference: Bottlerockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Section 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101; license and occupation taxes, Section 9-101.

Note: This section was amended by Ordinance No. 2014-05 approved on September 9, 2014.

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

Section 10-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. Any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic Beverage Control Act, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxication substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of an offense.

B. For the purposes of this Section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous, or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

Section 10-802 POSSESSION, INTOXICATING AND NONINTOXICATING BEVERAGES.

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any

public street, road or highway or in any public place within the Town limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. For the purpose of this Section, "intoxicating beverage" and "nonintoxicating beverage" shall be as defined in Sections 3-201 et seq of this code.

Section 10-803 DEFINITIONS.

As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this Section:

"Administer" shall be defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Controlled dangerous substance" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Deliver" or "delivery" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Drug paraphernalia" shall mean 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 dangerous substance in violation of state law. 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 dangerous substance can be derived;

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

3. Isomerization devices used intended for use, or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;

4. Testing equipment used, intended for use, or designed for

use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances;

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

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

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, marihuana;

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

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

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

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

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;

m. Ice pipes or chillers;

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:

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

a. 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 dangerous substance;

b. The proximity of the object, in time and space, to a direct violation of this article or of the State Uniform Controlled Dangerous Substance Act;

c. The proximity of the object to controlled dangerous substance;

d. The existence of any residue of controlled dangerous substances on the object;

e. Direct or circumstantial evidence of the intent of any 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 this article or the State Uniform Controlled Dangerous Substance Act; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

f. Instructions, oral or written, provided with the object

concerning its use;

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

h. National and local advertising concerning its use;

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

j. 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;

k. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

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

m. Expert testimony concerning its use.

"Marijuana" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Sale" includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.

State Law Reference: Uniform Controlled Dangerous Substance Act, 63 O.S. Section 2-101 et seq.

Section 10-804 POSSESSION.

It is unlawful for any person knowingly or intentionally to possess any of the following controlled dangerous substances unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by state law:

1. Any substance listed in Sections 2-208, 2-209 or 2-210 of Title 63 of the Oklahoma Statutes; or

2. Any marijuana; or

3. Any substance included in subsection D of Section 2-206 of Title 63 of the Oklahoma Statutes.

State Law Reference: Similar provisions, 63 O.S. Section 2-402.

Section 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES.

A. It is unlawful for any person to use, or to posses 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 dangerous substance in violation of this article or state law.

B. 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 dangerous substance in violation of this article or state law.

C. 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 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination.

B. The provisions of subsection A shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist; or

State Law Reference: Similar provisions, 63 O.S. Section 465.20.

Section 10-807 DRIVING UNDER THE INFLUENCE OR WHILE IMPAIRED OR IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE

A. It is unlawful and punishable as provided in subsection F for any person to drive, operate, or be in the actual physical control of a motor vehicle within the Town who:

1. Has a blood or breath alcohol concentration, as defined in 47 O.S. §756, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. Admission of evidence shown by tests.

1. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of 47 O.S. §§752 and 759 or evidence of the presence and concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of 47 O.S. §§752 and 759 is admissible. Evidence that the person has refused to submit to either of said analyses is also admissible.

2. Evidence that there was, at the time of the test, an

alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

3. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle which such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or the breath of the person in the absence of additional evidence that such persons's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that said person had violated a State statute or local ordinance in the operation of a motor vehicle; and

4. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

D. For purposes of this Section, "alcohol concentration" means grams of alcohol per 100 milliliters of blood if the blood was tested, or grams of alcohol per 210 liters of breath if the breath was tested.

E. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two hours after the arrest of the person.

F. Any person convicted of violating any of the provisions of this Section shall be guilty of an offense, and if convicted, shall be subject to a fine of not to exceed $500.00, plus costs.

ARTICLE 9. CURFEW FOR MINORS

Section 10-901. CURFEW FOR MINORS

A. Definition. For the purpose of this Section, a minor shall mean any person under the age of eighteen (18) years, but shall not include any person who is legally emancipated or certified as an adult.

B. Curfew Generally. No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 P.M. and 6:00 A.M. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of midnight on Friday and Saturday nights and 6:00 A.M. of the following morning.

C. Exceptions. The following shall constitute valid exceptions to the operation of Subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of 21 years old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 12:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;

4. Until the hour of 12:00 A.M. on any day of the week, if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home form a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time

at which it will end, the sponsoring organization must register the event with the police department at least 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

D. Violations.

1. A police officer who has probable cause to believe that a minor is in violation of this Section shall take such minor to an appropriate place of detention or to the minor's home. If the minor is taken to an appropriate place of detention, the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this Section shall be immediately contacted. When the parent, legal guardian or adult person having care and custody of such minor arrives at the police station, or when the minor is taken to the residence of such parent, legal guardian or adult person having care and custody of the minor, the parent, legal guardian or adult person having care and custody of the minor shall be given a copy of this ordinance and the notice as provided in subsection (D)(2). If no such parent, legal guardian or adult person having care and custody of the minor takes custody of the minor, the minor may be referred to an appropriate state agency, released to a responsible adult or relatives, or such other necessary action may be taken as the police officer deems appropriate.

2. In the case of a violation of this section by a minor, the minor may be referred to state or county juvenile authorities and in addition, the police officer or designee shall send the minor's parents, legal guardian or adult person having care and custody of the minor, written notice of the violation, by certified mail, return receipt requested, or by serving such notice personally on such person, warning them that further violations may result in the filing of a charge against such parent, legal guardian or adult person having care and custody of the minor for a violation of subsection (D)(3).

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the

provisions of Subsection B. In any prosecution for the violation of the provisions of this Section, proof that the minor violated Subsection B hereinabove, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of a previous violation of Subsection B as provided by Subsection D2, shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate Subsection B of this Section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D1 hereinabove for a violation by such minor of Subsection B and who refuses to take custody of such minor, shall be guilty of an offense.

ARTICLE 10

PREVENTION OF YOUTH ACCESS TO TOBACCO

Section 10-1001. DEFINITIONS.

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

B. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification, that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

C. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

D. "Sampling" means the distribution of samples to members of the public in a public place; and

E. "Tobacco product" means any product that contains tobacco and is intended for human consumption.

Section 10-1002 OFFENSE TO SELL OR FURNISH CERTAIN PERSONS TOBACCO PRODUCTS.

A. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person. Provided however, it shall not be unlawful for an employee under eighteen (18) years of age to handle such products when required in the performance of the employee's

duties. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.

B. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of Subsection B of this section.

C. Defenses: Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under Subsections A and B of this section. A person cited for violation of this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if the person proves that:

(1) The individual who purchased or received the tobacco product presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) of age or older; and

(2) The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

(3) Provided that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of any other defense described in this subsection does not affect the availability of any other defense under any other provision of law.

D. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection A and B of this section, the total of any fines, fees, or costs shall not exceed the following:

(1) One Hundred Dollars ($100.00) for the first offense;

(2) Two Hundred Dollars ($200.00) for the second offense

within a two-year period following the first offense; and

(3) Three Hundred Dollars ($300.00) for the third or subsequent offense within a two-year period following the first offense.

E. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this Section, each individual franchise or business location shall be deemed a separate entity.

Section 10-1003. OFFENSE FOR CERTAIN PERSONS TO PURCHASE, ACCEPT OR POSSESS TOBACCO PRODUCTS

A. It is unlawful for a person who is under eighteen (18) years of age to purchase, or accept receipt of, or have in his/her possession a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided however, it shall not be unlawful for such a person to handle such tobacco product when required in the performance of such person's duties.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of Subsections A of this section, the total of any fines, fees or costs shall not exceed the following:

(1) One Hundred Dollars ($100.00) for the first offense;

(2) Two Hundred Dollars ($200.00) for the second offense or subsequent offense within a one-year period following the first offense.

Section 10-1004. FURNISHING OR DISTRIBUTING TOBACCO PRODUCT SAMPLES

A. It shall be unlawful for any person to distribute tobacco product samples to any person under eighteen (18) years of age.

B. Notwithstanding subsection A of this Section, no person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility, when the facility is being used primarily by persons under eighteen (18) years of age.

C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection A of this

section, the total of any fines, fees, or costs shall not exceed the following:

(1) One Hundred Dollars (4100.00) for the first offense; and

(2) Two Hundred Dollars ($200.00) for a second offense; and Three Hundred Dollars ($300.00) for the third or subsequent offense.

Section 10-1005. OFFENSE FOR SELLING CIGARETTES EXCEPT IN THEIR ORIGINAL, SEALED PACKAGE

A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

Section 10-1006. PUBLIC ACCESS TO DISPLAYED TOBACCO PRODUCTS.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store person under eighteen (18) years of age.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

Section 10-1007. REPORT OF VIOLATIONS AND COMPLIANCE CHECKS.

A. Any conviction for a violation of this Article and any compliance checks conducted by the police department pursuant to subsection B of this Section shall be reported in writing to the Alcoholic Beverage Law Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or her designee and compliance checks shall be reported by the Chief of Police or his designee.

B. Persons under eighteen (18) years of age may be enlisted

by the police department to assist in enforcement of this Article pursuant to the rules of the ABLE Commission.

Note: This Article was amended by Ordinance No. 2011-06 approved on October 11, 2011.

ARTICLE 11

REGULATING THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS

SECTION 10-1101 REGULATING THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS.

Sections 10-1101 through Section 10-1105 shall be hereafter known as the sections Regulating the Use of Tobacco Products and Vapor Products Ordinance within the corporate limits of the Town of Okeene, Oklahoma.

SECTION 10-1102 DEFINITIONS

The following words, terms and phrases, when used in these Section 10-1101 through Section 10-1105, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. Indoor Area means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, and any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

B. Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town of Okeene, including but not limited to vehicles and equipment owned by the municipality.

C. Outdoor Area means any area that is not an Indoor Area, and includes outdoor recreational areas.

D. Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

E. Tobacco Product means any product that contains tobacco and is intended for human consumption. Tobacco Product does not

include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

F. Vapor Product means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

SECTION 10-1103 PROHIBITED CONDUCT.

A. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.

B. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.

C. Nothing in this section prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

D. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.

E. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this section.

F. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this section.

SECTION 10-1104 REQUIRED SIGNS.

A. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by Section 10-1103 shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.

B. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

C. For purposes of this section, the Town Administrator or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

D. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of Section 10-1101 through Section 10-1104.

SECTION 10-1105 ENFORCEMENT.

A. Enforcement of Section 10-1101 through Section 10-1104 shall be the responsibility of Okeene Police Department. In addition, any peace officer or code enforcement official may enforce Section 10-1101 through Section 10-1104.

B. Any person who knowingly violates any provision contained in Section 10-1101 through Section 10-1104 shall be punished by a fine of not less than One Hundred Dollars ($100.00) plus court costs, plus statutory penalties and assessments, if applicable.

c. The possession of a lighted Tobacco Product in violation of Section 10-1101 through Section 10-1104 is a nuisance.

Note: This Article was adopted by Ordinance No. 2017-7 approved on May 9, 2017.

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CHAPTER 11: LIBRARY, CEMETERY, FACILITIES AND PARK REGULATIONS

ARTICLE 1

LIBRARIES

Section 11-101 DEFINITIONS.

As used in this chapter, the term "library" means the public library created herein, the term "board" or "board of directors" means the library board of directors created herein and the term "director" means a member of such board.

State Law References: Library boards, powers, 11 O.S. Section 31-101 et seq.

Section 11-102 CREATED.

There is hereby created a public library with reading rooms for the use and benefit of the citizens of the Town and vicinity.

Section 11-103 CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS.

A. There is hereby created a board of directors for the government and control of the library, to consist of five (5) members, who are residents of the town, appointed by Board of Trustees.

B. The directors shall hold office for a term of three (3) years from the first day in May following their appointment and their terms shall be staggered.

Section 11-104 DIRECTORS NOT COMPENSATED.

The directors shall serve without compensation.

Section 11-105 REMOVAL OF DIRECTORS.

The municipal governing body may remove any director for misconduct or neglect of duty.

Section 11-106 VACANCIES.

Vacancies in the board of directors occasioned by removals, resignations or otherwise shall be reported to the mayor and Board and be filled in a like manner as original appointments.

Section 11-107 ELECTION OF OFFICERS.

The directors shall, immediately after appointment, meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary.

Section 11-108 GENERAL POWERS AND DUTIES.

The board shall have control of the library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and shall, in general, carry out the spirit and intent of this chapter. The board shall have power, with the approval of the mayor and Board, to recommend purchase of grounds and a suitable building for the use of the library. All powers delegated to the board of directors shall be executed subject to the approval of the mayor and Board. The Board shall have exclusive control of the expenditures of all monies collected and placed to the credit of the library fund and of the supervision, care and custody of the grounds, rooms or buildings, constructed, leased or set apart for that purpose, subject to the approval of the Board of Trustees and the Town's Internal Control Policies set out in Chapter 7. All monies received for such library shall be deposited into the treasury of said Town to the credit of the library fund.

Section 11-109 AUTHORITY TO APPOINT, LIBRARIAN ASSISTANTS.

The board shall have the power to recommend appointment of a suitable librarian and necessary assistants, and their compensation.

Section 11-110 BYLAWS, RULES AND REGULATIONS.

A. The board shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the library and reading rooms, or either of them, as may be expedient, not inconsistent with this chapter.

B. The library or reading room established under this chapter shall always be subject to such reasonable rules and regulations as the board may adopt, in order to render the use of such library and reading room, or either of them, of the greatest benefit to the greatest number, and the board may exclude from the use of the library or reading room, or either of them, any and all persons who shall willfully violate such rules.

C. Any person who shall willfully violate any rules or regulations regularly adopted by the board for the government, care

and use of the library or reading room shall be deemed guilty of an offense and be punished accordingly.

Section 11-111 DAMAGING, DEFACING OR FAILING TO RETURN BOOKS OR OTHER PROPERTY.

Any person who shall destroy or deface any book, periodical or other property of the library, or who shall fail to return any book, periodical or other property at such time as the same is due to be returned, shall be guilty of a misdemeanor.

Section 11-112 USE, TRANSFER OF LIBRARY.

A. Any library or reading room established shall be used as such, and for such other public purposes as the Town Board may deem proper, and shall always be subject to such reasonable rules and regulations as the Town Board may adopt, in order to render the use of the library and reading room, or rooms of the greatest benefit to the greatest number.

B. Any library already existing or hereafter established may be transferred by the society, association or individual owning the same, to the Town on such terms not inconsistent with the object of this chapter as may be mutually agreed upon.

Section 11-113 ACCEPTANCE OF DONATIONS.

A. Any person desiring to make donations of money, personal property or real estate for the benefit of the library or for the establishment, maintenance or endowment of public lectures in connection with the library, upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of any political party, politics or sectarian religion are expressly prohibited), shall have the right to vest the title of the money, personal property or real estate so donated in the Town, to be held and controlled by the Town, when accepted, according to the terms of the deed, devise or bequest of such property. As to such property, the Town shall be held and considered to be special trustees.

B. The Town shall have power to accept, or in its discretion decline, donations tendered as provided in this Section.

Section 11-114 ANNUAL REPORT.

The board of directors shall make, on or before the thirty-first (31st) day of July in each year, an annual report to the municipal governing body stating the condition of its trust on the thirtieth day of June of that year; the various sums of money

received from the library fund and other sources and the amount of money expended and for what purposes; the budget for the library for the next fiscal year; statistics on the general character and number of books and periodicals which are on hand, are lost or missing, have been added by purchase, gift or otherwise during the year; the number of persons attending the library; the number of books loaned out; the general character and kind of such books; and such other statistics, information and suggestions as the board may deem of general interest.

ARTICLE 2

CEMETERY

Section 11-201 SEXTON.

The Town Administrator shall appoint a sexton for the Rose Law Cemetery. The sexton shall perform such duties as may be required of him by ordinance and all other duties imposed upon and shall work under his direction and receive such compensation as set by the Mayor and Board of Trustees.

Section 11-202 DUTIES OF SEXTON.

It shall be the duty of the sexton to have actual charge of the Rose Law Cemetery under the supervision of the mayor and Board and to locate and dig all graves. No grave shall be prepared, or burial permitted, until the bookkeeper shall have collected the purchase price of the lot and fees for preparing the grave.

Section 11-203 RULES.

The Mayor and Board of Trustees shall pass all rules and regulations protecting and governing the Rose Law Cemetery, the ownership of lots therein, and visitors therein; and the violation of any of the rules shall be an offense. All such rules shall be entered in a book to be kept for that purpose and shall be posted in a conspicuous place in the Rose Law Cemetery.

Section 11-204 CEMETERY CARE FUND.

Whenever lots are sold or charges made for interments, not less than twelve and one-half percent (12.5%) of all monies received from the sale of lots and interments shall be segregated and set aside as a permanent fund to be known as the "Cemetery Care Fund". The Cemetery Care Fund principal shall be expended for purchasing lands for cemeteries and for making capital improvements, if necessary. The balance of the fund may be invested in the manner provided by law for investments of municipal

funds. The interest from the investments shall be used for the same purpose as the principal, or in improving, caring for, and embellishing the lots, walks, drives, parks, and other necessary improvements on such cemeteries.

For the purpose of this Section, "capital improvements" shall mean all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including but not limited to roads and streets, drainage improvements, water and sewerage improvements, machinery, equipment, furniture and fixtures, all real property, all construction or reconstruction of buildings, appurtenances and improvements to real property, the cost and expenses related thereto of rights-of-way or other real property, engineering, architectural or legal fees, and payment for improvements for which subsequent reimbursement is made to the Cemetery Care Fund.

Section 11-205 CONTRACTS FOR LOTS.

All contracts for the transfer of lots shall be signed and conveyed by certificate signed by the Mayor and countersigned by the Town Clerk, under the seal of the Town, upon the payment to the Town Clerk of the price of the lot as entered upon the list filed in the Town Clerk's office. The certificate shall show the price for which the lots are sold and specify that the person to whom it is issued is the owner of the lot or lots described therein by number, as laid down in the plat, for purpose of interment. The certificate shall vest in the purchaser and his heirs a right to the lot or lots, for the sole purpose of interment, under the regulations of the Town, or as such regulations may be hereinafter amended. The Town Clerk shall keep a complete record of all sales and burials in books provided by the Town. All abandoned lots or spaces of lots shall be so declared by resolution of the Town Board and such abandoned lots or spaces of lots shall thereafter revert to the Town. All monies received by the Town from the sale of lots or from interments or from any other source shall be paid daily to the Town Treasurer, who shall deposit same in the municipal treasury. Expenses incurred for the upkeep, repair, and adornment of the cemetery may be paid by the treasurer upon proper warrants.

Section 11-206 OFFENSE.

It is an offense for any person to violate any posted or published rule or regulation relating to the government or preservation of the Town cemetery which has been adopted by the Mayor and Board of Trustees. The commission of any act of trespass, malicious mischief, or other thing which is prohibited by ordinance within the Town limits shall be an offense when committed in any cemetery owned or governed by the Town. Any person who

commits any such offense shall, upon conviction, be punished as provided in Section 1-108 of this code.

Section 11-207 RESERVED

Section 11-208 FUNERAL DIRECTOR RESPONSIBILITIES.

The funeral director is responsible for contacting the sexton and providing all relevant information about the funeral, including but not limited to the time and date of the service, and the kind of outside container to be used. The funeral director is further responsible for submitting a proper form signed by the funeral director, or the owner of the lot, or duly authorized representative of the owner or the estate of the deceased, or may verbally authorize the Section to open desired location which form shall both authorize the opening of the space and releases the Town from any liability.

Section 11-209 POLICE TO LEAD FUNERAL PROCESSIONS.

The police department of the Town may take responsibility for leading all funeral processions going to the Town Cemetery and within Town Cemetery to the cemetery lot location.

Section 11-210 RESPONSIBILITY OF TOWN, PERMITS FOR MONUMENTS.

A. Notwithstanding anything to the contrary, the Town is permitted to provide and charge for certain cemetery services, including but not limited to:

1. Lowering device services;

2. The setting of concrete vaults; and

3. The rental of grave greens, tents and chairs.

B. After arrangements with the funeral director are made, the sexton shall provide for the opening and closing of graves upon the payment of the proper fees and receipt of any necessary permits, as provided in this Chapter

C. Any person other than an individual owning the grave site or a person related to the owner desiring to set a monument at the cemetery shall first secure a permit from the sexton or the Town Clerk of the Town. Such monument may be set at the Cemetery only during such aforementioned hours, except as otherwise agreed to by the sexton, and only after the sexton or his assistant has properly identified and located the exact place for the setting.

Section 11-211 PRICE SCHEDULE.

The price schedule to be utilized in all transactions by the Town at the Rose Law Cemetery shall be as set by the Mayor and Board of Trustees in the Town's fee schedule. A copy of the current schedule is on file in the Town Clerk's office.

Section 11-212 PURCHASE OF GRAVE SITES.

Grave sites shall be purchased in the following manner:

A. Availability of grave sites shall be determined by the sexton;

B. Selection of the grave sites shall be approved by the sexton, only after the payment in full made for the grave site, and the execution and delivery of the cemetery lot deed;

C. The purchase price of any cemetery lot shall be paid in full, before the opening of any grave, as provided herein, except that the funeral director shall not be required to pay for the lot or grave site if he proves to the Town Clerk prior to the opening of any grave on the lot that the decedent or his estate is unable to make payment therefore;

D. Arrangements for payment of the purchase price of lots and services performed by the Town:

1. Local funeral directors may include opening and closing, tent, greens, device, and property charges in with other expenses for a service and shall make payment to the Town by the following 10th of the next month;

2. Out of town funeral directors may make similar charges as provided hereinabove but shall make payment to the Town on the day of the service; and

3. After the cemetery lot has been paid for, as provided herein, and the fees charged are secured by the Town, then the Town clerk of the Town shall issue a cemetery deed to the proper owners.

Section 11-213 USE OF GRAVE SITES.

Use of the purchased grave sites will be made in the following manner:

A. The owner or the duly authorized representative of the owner or estate of the deceased owner or funeral director shall contact the sexton of the Town, with proof of ownership and request

the grave is opened, and sign the proper form authorizing the Town to open the grave and release the Town from all liability;

B. The funeral director in charge shall inform the sexton of the grave site desired, grave site time and date and other pertinent details concerning the opening and closing of the grave; and

C. The sexton shall perform the requested services after proper determination of the grave location and the approval of the arrangements have been made.

Section 11-214 RULES, REGULATIONS AND REQUIREMENTS.

The following rules, regulations and requirements shall be met by any person owning a lot or lots at the Rose Law Cemetery of the Town or any person employed by, contracting with, or assisting with or without compensation, the owner or owners of a lot or lots in the Rose Law Cemetery, or any other person, firm or corporation, whether a lot or lots are or are not owned by the person at the Cemetery of the Town:

A. No type of weed killer such as commercial weed killers, salts, acids, or alkalines of any kind shall be permitted;

B. No curb or curbs, whether made of cement, stone or wood, will be erected or placed on any property within the confines of the cemetery;

C. No fencing of any kind shall be permitted within the confines of the cemetery;

D. The planting of trees, shrubs, and rose bushes shall not be permitted within the confines of the cemetery unless approved by the sexton;

E. The travel of wheeled vehicles such as tractors, trucks, motorcycles, cars, on other than designated roadways, within the confines of the cemetery will be permitted by permission of the sexton only;

F. All Memorial Day decorations such as artificial flowers, wreaths, grave blankets, etc., shall be removed within seven (7) days after Memorial Day from any property within the confines of the cemetery and, in the event the decorations are not removed, the sexton shall remove the same without notice should the decorations hinder the performance of his duties;

G. The owners of lots within the cemetery are responsible for the removal of all unsightly boxes, trash, wire or other items;

H. The sexton shall remove without notice all existing trees, shrubs, rose bushes, or grass on lots within the confines of the cemetery which is unkept or unsightly;

I. The placing of gravel, rock, cement or stone on property within the confines of the cemetery is prohibited except by permission granted in writing by the sexton;

J. The destruction of any trees, plants, or grass owned by the Town within the confines of the cemetery is prohibited;

K. Entry into the cemetery after the cemetery gates are closed and locked is prohibited;

ARTICLE 3

FACILITIES

SECTION 11-300 COMMUNITY BUILDING

A. The following rental fees shall be pre-paid at town hall for the use of the Community Building located at 116 West E Street, Okeene, Oklahoma:

1.	Hourly rate (less than ½ day) without Wi-Fi access:	$6.25 per hour
2.	½ day rate without Wi-Fi access:	$25.00 flat rate
3.	Full day without W-Fi access:	$50.00 flat rate
4.	½ day rate with Wi-Fi access:	$50.00 flat rate
5.	Full day with Wi-Fi: access:	$75.00 flat rate

B. The following local clubs and groups are exempted from the payment of such fees: Okeene Kiwanis Club, Okeene Chamber of Commerce, Waynoka Senior Citizen organization and local not-for-profit organizations (with the town administrator's approval). Wi-Fi access is not part of the services provided to the local clubs and groups but may be purchased for a $25.00 fee.

C. The Town Board Room will no longer be available for use by entities other than the Town and its related authorities, departments and agencies.

D. All rentals shall be subject to a rental agreement which will be executed by the tenant prior to an occupancy and at the same time as payment of the rental.

ARTICLE 4

PARKS AND RECREATION

Section 11-400. SWIMMING POOL FEES

The fees charged for admission to the Okeene Municipal Swimming Pool shall be as provided by resolution of the Board of Trustees or as set out in the Fee Schedule. Pool hours shall be established by the Town Administrator.

Section 11-401. DEFINITIONS

For purpose of this Article, the definitions contained in Article 4 of this Chapter and the following definitions shall have the following meaning:

"Town park" shall mean all public parks owned and operated by the Town.

Section 11-402. CLOSING HOURS FOR TOWN PARKS

A. Town parks shall be open daily to the public on the following schedule:

1. Between 6:00 a.m. and 10:30 p.m. every day from the first day of April to the first day of November.

2. From a half hour before sunrise to a half hour after sunset of every day from the first day of November to the first day of April.

B. It shall be unlawful for any person or persons other than Town personnel conducting Town business therein, to occupy or be present in Town parks during any hours the parks are not open to the public.

C. Baseball fields, softball fields, football fields and soccer fields within the Town parks, including the spectator and parking areas of said fields, are excluded from the above closing hours while said fields are being used for team playing of baseball, softball, football or soccer. This exception is extended only to teams organized by sports organizations that have filed with the Town an approved schedule of proposed use of the fields.

D. Tennis courts within Town parks are excluded from the above closing hours while the courts are being used for playing tennis.

E. Excepting park employees, no person shall make a fire in any Town park excepting in an approved and designated grill.

Section 11-403. USE OF AMPLIFYING EQUIPMENT OR LOUD NOISES

A. No person, other than law enforcement officers or authorized governmental agencies, shall install, use or operate any amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any person or assemblage of persons in any public park of the Town without having first obtained a permit therefor from the Town Administrator.

B. No person shall use any amplifying equipment or make any excessively loud noises in such a manner as to disturb other persons in the park or on adjacent property.

C. The application for such a permit shall contain the name and address of the applicant, kind and type of equipment proposed to be used, the manner in which it will be operated and the purpose or purposes for the operation of the same, and such other information as shall be required by the Town Clerk.

D. As used in this Section the term "amplifying equipment" shall mean any machine or device for the amplification of the human voice, music or any other sound. It shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, or warning devices on authorized emergency vehicles or horns or other warning devices used only for traffic safety purposes.

Section 11-404 NO GLASS CONTAINERS IN TOWN PARKS

No person shall be permitted to carry into or possess any glass container within any Town park.

Section 11-405 NO COMMERCIAL SOLICITATION IN TOWN PARKS

No person shall solicit, peddle, or engage in the business of itinerant merchant/transient street vendor, coupon book seller, or conduct any other commercial business enterprise, excepting persons, firms or entities making sales or taking order for or on behalf of the public schools or educational, religious or charitable institutions, in any Town Park.

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CHAPTER 12: PLANNING, ZONING AND DEVELOPMENT

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CHAPTER 12: PLANNING, ZONING AND DEVELOPMENT

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BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

Section 12-101 PLANNING COMMISSION CREATED.

There is hereby created a Planning Commission of the Town, which shall consist of five (5) residents of the Town, nominated and appointed by the Mayor and Board of Trustees. The members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the Mayor and Board of Trustees for misconduct, inefficiency, neglect of duty or malefaction in office.

State Law Reference: Planning Commissions may be established, duties and powers, 11 O.S. Section 45-101 et seq.

Section 12-102 TERM OF OFFICE; PROVISION FOR VACANCIES.

Appointive members of the Town Planning Commission shall hold office for a term of three (3) years with the exception that in the first instance one (1) shall be appointed to serve a term of one year, two (2) for a term of two (2) years and two (2) for a term of three (3) years; appointments thereafter shall be made for a term of three (3) years. When a vacancy occurs the appointment shall be made to fill the unexpired term by the Mayor, with confirmation by the Board of Trustees.

Section 12-103 EX OFFICIO MEMBERS.

The Mayor and the Town Administrator shall be ex officio members of the Town Planning Commission, but shall receive no compensation other than their affixed salary as such officials.

Section 12-104 QUORUM.

Three (3) members of the town planning commission, or zoning commission, shall constitute a quorum for the transaction of business. Provided, however, that no action shall be taken and be binding upon said commission unless concurred in by not less than a majority of all members comprising said commission.

Section 12-105 MEETINGS; ORGANIZATION AND RULES.

The members of the Town Planning Commission shall meet and organize by electing a chairman, a vice-chairman, and secretary, whose terms shall be one year with eligibility for re-election. The commission shall adopt from time to time such bylaws, rules, and regulations and amendments thereto as may be necessary to effectuate the purposes of this chapter.

Section 12-106 POWER TO EMPLOY STAFF.

The Planning Commission shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the Board of Trustees. The salary and compensation of such employees shall be fixed by the Board of Trustees and shall be paid out of the Town treasury as are other officers and employees. The Town Planning Commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibility.

Section 12-107 POWERS AND DUTIES.

The Planning Commission shall have the power and the duty to prepare and recommend to the Board of Trustees for adoption a comprehensive plan for the physical development of the Town. In conducting its work the Planning Commission may consider and investigate any subject matter tending to the development and betterment of such municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the Board of Trustees. The Planning Commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the Board of Trustees on the location or design of any public building, statute, memorial, park, boulevard, street and alley, playground, public grounds, bridge or change in any location of any street or alley such question shall be submitted to the Planning Commission for investigation ad report. In the preparation of the comprehensive plan the Planning Commission may from time to time prepare and recommend to the Board of Trustees for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the Town or one or more major elements of the comprehensive plan. The Planning Commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan.

Section 12-108 PURPOSES OF COMPREHENSIVE PLAN.

In the preparation of such plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town, and with due regard to

its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town, and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

Section 12-109 SUBDIVISION OF LAND.

The Planning Commission may prepare and recommend to the Board of Trustees for adoption rules and regulations governing the subdivision of land within the corporate limits of the Town. All plans, plats, or replats of land laid out in two (2) or more lots, plats, or parcels, or streets, or other ways intended to be dedicated to public use within the corporate limits of the Town shall first be submitted to the Planning Commission for its recommendations. The Planning Commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the Town. The disapproval of any such plan, plat, or replat by the Board of Trustees shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the Town clerk, certifying the approval and acceptance thereof by the Board of Trustees.

Section 12-110 UNIFORMITY OF REGULATIONS.

The Planning Commission may recommend the division of the Town into districts of such number, size, and area as may be deemed best suited to carry out the zoning purpose. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Section 12-111 COMPREHENSIVE PLAN; PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue

concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town. The latest addition of the Comprehensive Plan of the Town of Okeene, Oklahoma, is on file in the Office of the Town Clerk and is incorporated herein by reference.

Section 12-112 PLANNING COMMISSION TO ACT AS ZONING COMMISSION.

The Town Planning Commission also shall act as the zoning commission and shall have the power to prepare and recommend to the Board of Trustees, zoning district boundaries and appropriate regulations relating to the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residence, and other purposes.

Section 12-113 PLANNING COMMISSION: REVIEW ON PUBLIC IMPROVEMENTS AND PLATS OF LAND; SUBDIVISION REGULATIONS; PRIVATE ROADWAYS

Before final action my be taken by any town or department thereof on the location, construction or design of any public building, statue, memorial park, parkway, boulevard, street, alley, playground, public ground, or bridge, or the change in location or grade of any street or alley, the question shall be submitted to the planning commission or investigation and report. County and school district may be exempted from the payment of the fee to obtain any license or permit required by a zoning, building, or similar ordinance of the Town of Okeene.

1. All plans, plats, or replats of land laid out in lots or blocks, and the streets, alleys or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of the town, shall first be submitted to the planning commission for its approval or rejection. Before said plans, plats, or replats shall be entitled to be recorded in the office of the county clerk, they shall be approved by the Okeene Town Council. It shall be unlawful to receive or record any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the town council. The disapproval of any such plan, plat, or replat by the town council shall be deemed a refusal of the proposed dedication shown thereon.

2. The planning commission will review all subdivision of lands and adopt regulations governing the subdivision. Any such regulations before they become effective, shall be approved by the town council and shall be published as provided by law for the publication for ordinances. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to be approved of the plat. The regulations may provide a tentative approval plat before such installation. Any such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was bases and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the planning commission may accept an adequate bond with surety, satisfactory to the commission, to secure for the town the actual construction and installation of the improvements or utilities at a time and according to conditioned that the developer will pay for all materials and labor relating to the construction of the improvements. The town may enforce said bond by all appropriated legal and equitable remedies. Nothing in this section shall be construed as granting to the town or planning commission the power to direct any public utility to extend its services to any particular area.

3. The Town of Okeene where contains areas of rural land not served by water and sewer facilities by the town shall authorized the use of private roadways in either platted or unplatted areas and shall issue building permits to property owners whose property is abutting upon the private roadways, without complying with standards as provided for dedicated streets, subject to the following conditions:

   i. The private roadway easement shall be at least fifty (50) feet in width; and
   ii. The property of abutting upon the private roadway shall contain not less than two (2) acres; and
   iii. The property shall be more than one-fourth (1/4) mile from sewer and water facilities furnished by the town; and
   iv. The private roadway shall be dedicated to the public but reserved for future dedication and, until such future dedication, shall be the private roadway for the owners abutting property; and
   v. The private roadway shall be maintained by the owners of the property within the subdivision; and
   vi. The town shall have no responsibility for the maintenance or repair of the private roadway; and

vii. If the property is platted, there shall be emblazoned on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public and that the streets shall be maintained by the private property owners within the subdivision. Said streets shall always be open to police, fire, and other official vehicles of all federal, state, county, and town agencies; and

viii The planning commission will require the developer of such property to reserve appropriate utility easement for water, sewer, and any other utility installations as may be required for present and future development.

DIVISION 2

BOARD OF ADJUSTMENT

Section 12-120 CREATION AND PROCEDURES, BOARD OF ADJUSTMENT ESTABLISHED.

There is hereby created a board of adjustment consisting of five (5) members, who shall be appointed for a term of three (3) years, and removable for cause by the Board of Trustees upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The board of adjustment shall be appointed by the Mayor and Board of Trustees. The board of adjustment in effect on the effective date of this Section shall be constituted as the board of adjustment, with terms of three (3) years, or until their successors are appointed and qualified.

Section 12-121 MEETINGS AND RULES.

The board of adjustment shall elect one of its members as chairman. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of adjustment shall be subject to the open meeting laws of the state, and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of all official actions, all of which shall be immediately filed in the office of the Town clerk and shall be a public record.

Section 12-122 APPEALS TO BOARD OF ADJUSTMENT.

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any administrative decision based on the Town's zoning regulations.

B. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the Town clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee established by the Town. In addition, the appellant shall pay the cost of publishing the notice of the public hearing and any other costs associated with the hearing. The appellant shall pay such fee and costs upon filing the appeal. The zoning officer shall transmit to the board of adjustment the documents constituting the record.

C. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

D. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the Town clerk to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of the written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

E. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

1. Legal description of the property and the street address or approximate location in the municipality;

2. Present zoning classification of the property and the nature of the appeal or variance requested; and

3. Date, time and place of hearing.

F. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 12-123 POWERS.

A. The board of adjustment shall have the power to:

1. Hear and decide appeals if it is alleged that there is error in any order, requirement, decision, or determination made by the zoning officer in the enforcement of the zoning regulations;

2. Authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variances as to use.

B. Variances may be allowed by the board of adjustment only after notice and hearing as provided in subsection D of Section 12-122 of this code. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

Section 12-124 EXTENT OF RELIEF.

A. When exercising the powers provided for herein, the board of adjustment, in conformity with the provisions of this part may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement or determination as ought to be made.

B. The concurring vote of at least three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination being appealed from, to decide in favor of the applicant, or to decide any matter which may properly come before it pursuant to the zoning regulations.

Section 12-125 VARIANCES.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole or in part, or

upon reasonable conditions as provided in this Article, only upon a finding by the board of adjustment that:

A. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

B. Such conditions are peculiar to the particular piece of property involved;

C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Section 12-126 APPEAL TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the Town to the district court by filing a notice of appeal with the Town clerk and with the board of adjustment within sixty days from filing of the decision by the board, which notice shall specify the ground of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit forthwith to the court clerk of the County of Blaine the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Chapter; and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

SECTION 12-127 EXPENSES

Any person requesting a variance, special condition or any other relief from the Board of Adjustment shall pay an application fee of One Hundred Dollars ($100.00) to be used to defray any associated expenses, such as postage for notice to property owners within the 300' radius as required and all publication costs. The

applicant shall further submit with its application a certified abstractor's, registered professional engineer's or registered land surveyors list of the names of all property owners within a three hundred feet (300') radius of the exterior boundary of the territory on which the applicant seeks the variance, special condition or other relief. The City will provide the stationary, labor, required notices, mailing and publication.

ARTICLE 2

DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

Section 12-201 TITLE.

This chapter together with the ordinance adopted by Division 4 of this Chapter shall be known as and may be cited and referred to as the "Zoning Ordinance of the Town of Okeene".

Section 12-202 PURPOSE.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this article, they shall be held to be necessary for the promotion of the public health, safety, morals, comfort, convenience and general welfare.

Section 12-203 INTERPRETATION AND APPLICATION.

This article classifies and regulates the use of land, buildings and structures within the corporate town limits of the Town of Okeene, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the town into zoning districts and regulating therein the use of the land and the use of the size of buildings as to height and number of stories, the coverage of the land by buildings, and size of yards and open spaces, the location of buildings, and density of population.

Except as herein otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected,

constructed, moved, alters, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

Section 12-204 JURISDICTION.

This Chapter shall be in full force and effect in the corporate limits of the Town. Territory annexed to the corporate limits of the Town, subsequent to the effective date of this chapter shall immediately be subject of the provisions of this chapter and shall be deemed to be designated as single-family residential district until altered or reclassified in the manner provided by law. In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of the chapter shall not thereby be invalid, but shall remain in full force and effect. Any ordinance now in effect that conflicts with any provision of this chapter is hereby repealed.

Section 12-205 DEFINITIONS.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and the words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

1. Accessory Building. A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

2. Accessory Use. A use customarily incidental, appropriate and subordinate to the principal use of the land or buildings and located on the same lot therewith.

3. Advertising Sign or Structure. Any cloth, card, paper, metal, glass, wooden, plastic, stone sign or other sign, device or structure of any character whatsoever, including statuary, place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall included erecting, construction, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

The area of any advertising structure shall be determined as the area of the largest cross-section of any structure. Neither directional, warning nor other signs posted by public officials in the course of their duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this Article.

4. Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to back or side of properties otherwise abutting a street, and which may be used for public purposes.

5. Apartment House. See multiple Family Dwelling,

6. Automobile. A self-propelled mechanical designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cares, busses, trucks, motor scooters, and motorcycles.

7. Basement. A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than a janitor employed on the premises.

8. Boarding House. A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly basis.

10. Building. Any structure intended for shelter, housing or enclosure for person, animals for chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

11. Building Height. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat rood, or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

12. Building, Main. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

13. Building Site. A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

14. Child Care Center. Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed b a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

15. Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

16. District. Any section or sections of the Town of Okeene for which the regulations governing the use of land and the use, density, and other laws or ordinances, and having its principal frontage on a street.

17. Dwelling. Any building or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including trailer homes. (See Trailer Home).

18. Dwelling, Single-Family. A detached dwelling designed to be occupied by one (1) family.

19. Dwelling, Two-Family. A detached dwelling designed to be occupied by two (2) families living independently of each other.

20. Dwelling, Multiple. A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

21. Convenience Store. Retail store which supplies the daily needs of the residents of the neighborhood where it is located and which are primarily for residents' convenience. It is used for the retail sales of groceries, magazines, newspapers, bakery, drugs, and health care products. It may include gasoline fuel pumps for automobiles, but not any kind of

automobile service or maintenance can be conducted. (See Gasoline Service or Filling Station).

22. Family. One (1) or more persons related by blood, marriage, including adopted children, or a group of not to exceed five (5) persons, excluding servants, not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, residential care home or similar dwelling for group use. A family shall be deemed to include domestic servants employed by such family, foster children, and foreign exchange students.

23. Garage Apartment. A dwelling unit for one (1) family erected above a private garage.

24. Garage, Parking. Any building or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

25. Garage, Private. Any accessory building or a part of a main building use for storage purposes only for automobiles uses solely by the occupants and their guests of the building to which it is accessory.

26. Garage, Public. Any garage other than a private garage, available to the public, where vehicles are parked or stored for remuneration, hire or sale.

27. Garage, Repair. A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

28. Gasoline Service or Filling Station. Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.

29. House Occupation. Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in

connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used to except as is customary for purely domestic or household purposes. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. A tea room or restaurant, rest home or clinic, doctor's or dentist's office, tourist home, or cabinet, metal, or auto repair shop, barber shop or beauty salon shall not be deemed a home occupation.

30. Hotel. A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

31. Kennel. Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.

32. Lot. Any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this Chapter.

33. Lot, Corner. A lot which has a least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees.

34. Lot, Depth. The mean horizontal distance between the front and rear lot lines.

35. Lot, Double Frontage. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

36. Lot, Interior. A lot other than a corner lot.

37. Lot, Area. The total area measured on a horizontal plane, included within lot lines.

38. Lot, Frontage. The dimension of a lot or portion f a lot abutting on a street, excluding the side dimension of a corner lot.

39. Lot Lines. The lines bounding a lot.

40. Medical Facilities. Any of the following:

41. Convalescent, Rest, or Nursing Home. A health facility where person are housed and furnished with meals and continued nursing care for compensation.

42. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight under emergency conditions.

43. Dental Office or Doctor's Office. Same as dental or medical clinic.

44. Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.

45. Public Health Center. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

46. Sanatorium. A structure providing health facilities for in-patient treatment or treatment and recuperation making use of natural therapeutic agents.

47. Nonconforming Use. A structure or land lawfully occupied by a use that does not conform to the regulation of the district in which it is situated.

48. Off-Street Parking Space. A parking space not on or extending over any public easement or right-of-way.

49. Parking Space. A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress ore egress of an automobile.

50. Rooming House. A building where lodging only is provided for compensation to three (3) or more, but only exceeding twenty (20) person. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this Chapter.

51. Self-Service Laundry or Dry Cleaning Establishment. Any attended or unattended place, building or portion thereof; available to the general public for the purpose of washing, drying, extracting moisture from, or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind of means of a mechanical appliance which is operated primarily by the customer.

52. Stable, Private. A stable with a capacity for not more than two (2) horses or mules.

53. Stable, Public. A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

54. Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be not floor above it, then the space between the floor and the ceiling next above it.

55. Story, Half. A space under a sloping roof which as the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

56. Street. Any public or private thoroughfare, which affords the principal means of access to abutting property.

57. Street, Intersection. Any street, which joins another street at an angle, whether or not it crosses the other.

58. Structure. Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

59. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

60. Tourist Court. An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient families and intended primarily for automobile transients.

61. Tourist Home. A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guest for compensation.

62. Trailer Court or Mobile Home Park. A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one (1) or more trailer houses or mobile homes.

63. Trailer or Mobile Home Space. A plot of ground within a trailer court designed for the accommodation of one (1) mobile home.

64. Trailer Home or Mobile Home. A portable or mobile living unit designed or used for human occupancy on a permanent basis.

65. Trailer, Travel or Camping. A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not containing less than one hundred seventy-five (175) square feet of floor area.

66. Trailer, Hauling. A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

67. Yard. An open space at grade between a building and the adjoining lot lines, occupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this article that an accessory building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth or a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

68. Yard, Front. A yard located in front of the front elevation of a building and extending across the lot between the side

lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

69. Yard, Rear. A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot lines and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

70. Yard, Side. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

71. Zero Lot line. Zero Lot line shall mean the location of a building on a lot in such a manner that one of the building's sidewalls rests directly on a lot line.

DIVISION 2

ESTABLISHMENT OF DISTRICTS

Section 12-210 ZONING DISTRICTS ESTABLISHED.

For the purpose of this Chapter and the promotion of the public health, safety and welfare of the community, the following districts are hereby established for the Town of Okeene.

Agricultural District (A)

Residential Districts R

R-1 Single Family District
R-2 General Residential District
R-4 Manufactured & Mobile Home Park District

Commercial District (C)

C-1 Neighborhood Shopping District
C-2 General Commercial District
C-3 Highway Commercial District
C-3-1 Commercial and Limited Light Industrial District

Industrial Districts (I)

I-1 Restricted Manufacturing and Wholesale District
I-2 General Industrial District

Special Districts (SU) Special Use

Flood Hazard District (F)

Planned Unit Development District (PUD)

The Town of Okeene is hereby divided into districts as shown on the zoning map, filed with the Town Clerk. The zoning districts map of the Town of Okeene and all of the notations, references, and other matters shown thereon, shall be made as much a part of this Chapter as if the notations, references or other matters set forth by said map were all fully described herein; which district map is on file in the office of the Town Clerk at Town Hall of the Town of Okeene.

Section 12-211 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts shall be established by ordinance and shall be shown on a map entitled "Zoning Map of the Town of Okeene, Oklahoma", which zoning map shall be located in Town Hall and the zoning map is hereby incorporated as a part of this chapter.

Section 12-212 through 12-214 RESERVED.

SECTION 12-215 ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are dedicated upon the Zoning District Map of the Town, said map being part of this Chapter as fully as if the same were set forth herein in detail.

SECTION 12-216 ZONING DISTRICT BOUNDARIES

1. The district boundary lines shown on the Zoning Map are usually along streets, alleys, property lines or extensions thereof; where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

u. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

v. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.

w. Boundaries indicated, as approximately following the city limits shall be construed as following city limits.

x. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way, or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.

y. Boundaries indicated, as parallel to our extensions of features indicated in a through b, above shall be so construed. Distance not specifically indicated on the original Zoning map shall be determined by the scale of the map.

z. Whenever any street, alley or other public way is vacated by official action of the Town Council or whichever such area is franchised for building purposes, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or other public way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

2. Where physical features on the ground are at variance with information shown on the official Zoning District map, or when there arises a question as to how or whether a parcel of property is zoned and such questions cannot be resolved by the application of subsections a through f, the property shall be considered as Classified A, Agricultural District, temporarily, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions providing for amendments to the Zoning Ordinance and Map.

Section 12-217 ZONING; ANNEXED TERRITORY

All territory hereafter annexed to the Town shall be classified as A, Agricultural District. The procedure for amending zoning or annexed territory shall conform to the procedure herein established providing for amendments to the Zoning Ordinance and Map.

Section 12-218 COMPLIANCE REQUIRED

All land, building, structures or appurtenances thereon located with the Town, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed or erected in conformance with the zoning regulations prescribed for the Zoning District in which such land or building is located as hereinafter provided.

Section 12-219 VACATION OF PUBLIC EASEMENTS

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 12-220 A-1 GENERAL AGRICULTURAL DISTRICT

1. General Description. This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but which will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, required area, and the intensity of use of land permitted in this district is designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

2. Uses Permitted. Property and buildings in an A-1 General Agricultural District shall be used only for the following purposes.

   a. Detached one-family

   b. Church

   c. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.

   d. Agriculture crops

e. The raising of farm animals in accordance with the ordinances of the Town of Okeene, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than five (5) acres, the raising of hogs shall be prohibited, and on all other tracts the number of hogs is two (2) grain fed hogs per acre. No set back lines.

f. Oil well or gas well, including the drilling thereof

g. All of the following uses:

Country Club and Golf Course
Home occupation
Library
Park or playground or public recreation area
Plan nursery

h. Transportation, pipeline and utility easements and rights-of way

i. Bulletin board or sign, not exceeding forty (40) aware feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

j. Accessory buildings which are not a part of the main building, including barns, sheds, and other farm buildings, and private garages and accessory buildings which area a part of the main building.

3. Conditional Uses permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Section 12-251.

a. Airport or landing field

b. Cemetery

c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one (1) operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one (1) non –illuminated name plate not exceeding two (2) square feet in area, attached to the main building

d. Kennel

e. Golf course or driving range, or other private outdoor recreation activity

f. Public stable or riding academy

g. Radio and television stations and transmission towers

h. Sewage lagoons

i. Mobile home parks

j. Any use not otherwise authorized by this Chapter

4. Area Regulations. The area regulations are as follows:

a. Front Yard. All buildings shall set back from street right-of way lines to comply with the following front yard requirements:

b. All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.

c. On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

d. If twenty-five percent (25%) or more of the lots of one (1) side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average set-back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average set-back line, then no building shall be erected closer to the street line than the minimum setback so established by existing buildings; but his regulation shall not require a front yard of greater depth than forty (40) feet.

e. When a lot has a double frontage the front yard requirements shall be compiled with both streets.

f. Side Yard.

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one (1) story, except as hereinafter provided in Section 12-228.

(2) For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the lot line.

(3) For dwellings and accessory buildings located on corner lots there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

(4) Churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

g. Rear Yard. There shall be a rear yard for main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

h. Lot Width. For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a street for a distance of not less than thirty-five (35) feet.

i. Intensity of Use.

(1) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than one (1) acre.

(2) For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings

the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Section 12-240 through 12-247.

j. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Dedicated public streets, alleys, and easements cannot be counted as lot area for the purpose of the calculation of coverage.

k. Height regulations. No building shall exceed two and one-half (2 ½) stories thirty-five (35) feet in height except as provided in Section 12-233.

Section 12-221 R-I SINGLE-FAMILY DWELLING DISTRICT

1. General Description. This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which area not appropriate to residential environment. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of different uses.

2. Uses Permitted. Property and buildings in an R-1 Single-Family Dwelling District shall be used only for the following purposes:

a. Detached one-family dwelling; a manufactured home shall be permitted if approved by the Town Board of Trustees after providing the public notice and conducting the public hearing as provided in Section 12-222.5.3

b. Churches, but not including missions or revival tents or arbors

c. Public schools or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping

d. Public park or playground

e. Library

f. Transportation and utility easements, alleys, and rights-of-way

g. Accessory buildings which are not a part of an main building, including one private garage

h. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold

i. A church bulletin board or sign, not exceeding twenty-five (25) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building

j. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed

k. Parking lot required to serve the uses permitted in this district

i. General purpose garden, but no the raising of livestock

2. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with provisions in this Chapter.

a. Municipal use, public building and public utility

b. Golf course or country club

c. Double wide trailer home

d. Two-family dwelling

e. Any use not otherwise authorized by this Chapter

3. Area Regulations. All buildings shall be set back from the street right-of-way and lot lines to comply with the following yard requirements;

a. Front Yard.

(1) The minimum depth of the front yards shall be twenty-five (25) feet.

(2) If seventy-five percent (75%) or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(3) When a lot has double frontage, the front yard requirements shall be complied with those on both streets.

b. Side Yard.

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Section 12-228.

(2) For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet.

(3) For dwellings and accessory buildings located on corner lots there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

c. Churches and main accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior side lot lines a distance of not less than twenty-five (25) feet and interior side lot lines a distance of not less than five (5) feet for a single and ten (10) feet for more than one story.

d. Rear Yard. There shall be a rear yard for a main building of not less than twenty (20) feet from rear of property line. Accessory buildings a set back of five (5) feet.

e. Lot Width. There shall be a minimum lot of fifty (50) feet at the front building line for single-family and two-family dwellings and ten (10) feet additional width ant the front building line for each family, more than two, occupying a dwelling.

f. Intensity of use.

(1) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than five thousand (5,000) square feet.

(2) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section; provided, however, that the lot area for a church shall not be less than fifteen thousand (15,000) square feet.

g. Coverage. Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area on interior lots and thirty percent (30%) of the lot area on corner lots. Dedicated public streets, alley, and easements cannot be counted as lot area for the calculation of coverage.

h. Site Restrictions. No trees, shrubs, or fences planted or placed within street/alley easements.

i. Height regulations. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 12-233.

Section 12-222 GENERAL RESIDENTIAL DISTRICT

1. General Description. This is a residential district to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are

permitted. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

2. Uses Permitted. The following uses may be permitted:

a. Any use permitted in an R-1 residential District

(1) Two-family dwelling; a manufactured home shall be permitted if approved by the Town Board of Trustees after providing the public notice and conducting the public hearing as provided in Section 12-222.5.3

(2) Multiple-family dwelling

(3) Garage apartment, when located on a separate lot or on the same lot with another dwelling

(4) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

b. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Section 12-251.

(1) Any use permitted on review in an R-1 Single-Family Dwelling District

(2) Child care center

(3) Home beauty shop located in a dwelling provided such shop is conducted with the main dwelling, and is operated only by the inhabitants thereof and does not exceed two operators. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate, not exceeding two (2) square feet in area, attached to the main building.

(4) Institutions of a religious, educational or philanthropic nature.

(5) Private clubs and lodges, excepting those the chief activity of which is service customarily carried on as a business

(6) Medical facility

(7) Trailer home and/or mobile home park

(8) An off-street parking lot associated with a C-Commercial use as required under the provisions of Section 12-240 through 12-247.

c. Area Regulations. All buildings shall be set back from street right-of-way lines or lots lines to comply with the following yard requirement:

(1) Front Yard

(a) The minimum depth of the front yard shall be twenty-five (25) feet.

(b) If seventy-five percent (75%) or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater than forty (40) feet.

(c) When a lot has a double frontage then front yard requirements shall complied with on both sides.

(2) Side Yard

(a) For dwelling located on interior lots there shall be a side yard on each side of the main dwelling of not less than five (5) feet for swellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Section 12-232.

(b) For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet.

(c) For dwellings and accessory buildings located on corner lots there shall be a side set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another lot, and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

(d) Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

(3) Rear Yard

(a) For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached accessory buildings shall not be located less than ten (10) feet from any other structure.

(b) Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Adequate off street parking must be provided within the bounds of the property.

(4) Lot Width. There shall be a minimum lot width of fifty (50) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one, occupying a dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

(5) Intensity of Use

(a) There shall be a lot area of not less than five thousand (5,000) square feet for a single-family dwelling, not less than six thousand (6,000) square feet for a two-family dwelling, and an additional area of not less

than five hundred (500) square feet for each family, more that two, occupying a dwelling.

(b) There shall be a lot area of not less than six thousand (6,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located in the rear yard of two-family or multiple-family dwelling the lot area shall be not less than five hundred (500) square feet more than is required for the two-family or multiple-family dwelling.

(c) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Section 12-240 through 12-247, provided, however, that the lot for a church shall not be less than fifteen thousand (15, 000) square feet.

(d) For condominium and town houses that shall be a lot area of not less than three thousand (3,000) square feet for each unit within the condominium or town house complex and no less than two (2) parking spaces per unit shall be provided. Ingress and egress shall be made by a thoroughfare of not less than thirty-two (32) feet back to back of curb. All area regulations shall apply to Section 12-227 through 12-243.

(e) For any and all multi-family dwellings, drainage plans must be provided.

(6) Coverage. Main and accessory buildings shall not cover more than thirty five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. Dedicated public streets, alleys and easements cannot be counted for the calculation of lot area.

(7) Sight Restrictions. No tree, shrubs, or fences planted or placed in street/alley easements.

(8) Height Regulations. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 12-233.

Section 12-222.5.1 R-4 – MANUFACTURED & MOBILE HOME PARK ZONING DISTRICT; PURPOSE.

1. The purpose of the subsections contained within Section 12-222.5 is to provide for a R-4 Manufactured & Mobile Home Park Zoning District for areas within the corporate boundaries of the Town of Okeene, Oklahoma, wherein the location and development of manufactured housing and mobile homes may be provided.

2. The regulations set forth in this Section 12-222.5 are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks.

3. No person may place a manufactured home or mobile home in any location in the Town except as permitted in a R-4 Manufactured & Mobile Home Park Zoning District or as otherwise provided in the municipal code.

Section 12-222.5.2 DEFINITIONS

For the purpose of this Section 12-222.5 et seq., the following terms, words and phrases shall have the meanings indicated hereinbelow:

1. Access Drive means a public or private street in a Manufactured & Mobile Home Park designed to provide vehicular access to two or more manufactured or mobile home park spaces.

2. Access Drive, Minor means an access drive providing vehicular access to not more than fifty (50) manufactured or mobile home park spaces.

3. Access Drive, Collector means an access drive designed to collect traffic from minor access drives and which provides the most direct access to the public street system.

4. Accessory Building or Structure means any structural addition to a manufactured or mobile home, including but not limited to awnings, cabanas, carports, Florida rooms, porches, Ramada's, storage cabinets and similar appurtenant structures and any building customarily incidental and appropriate and subordinate to the manufactured or mobile home and located on the same space with a manufactured or mobile home.

5. Frontage means that part of a manufactured or mobile home space which abuts an access drive.

6. Inspection office means the designated Building Official of the Town of Okeene or his authorized agent.

7. "Living Unit" means a facility or structure providing complete, independent living facilities for one family on a permanent basis including sleeping, eating, and cooking facilities, and sanitation facilities including a flush toilet and a bath, tub or shower.

8. "Manufactured Home" means a manufactured structure fabricated on or after July 13, 1994, and assembled at the building site with transportation features (tongue and axles) removed and bearing a seal certifying it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards in 1995. Each manufactured home shall comply with the minimum energy conservation standards of the HUD Codes which became effective on July 13, 1994 and October 24, 1994, respectively, and any subsequent amendments.

9. "Mobile Home" means a manufactured, detached, transportable single family dwelling which does not meet the single and two-family structure requirements of the building code, bearing a seal certifying it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in 1995, but which was originally designed, constructed, and used for long-term occupancy as a complete single-family dwelling, arrives at the site where it is to be occupied as a complete dwelling unit. It contains all conveniences and facilities, including plumbing and electrical connections which can be attached to approved utility systems. To retain mobility, undercarriage and axles remain attached to the unit.

10. "Manufactured or Mobile Home, Free-standing" means any manufactured or mobile home not located either in a manufactured and mobile home park approved by the Town of Okeene.

11. "Manufactured or Mobile Home Park" means a unified development for two (2) or more manufactured or mobile home spaces arranged on a tract of land under single ownership and complying with all the requirement of this Section 12-222.5.

12. "Manufactured or Mobile Home Space" means a plot of land within a manufactured or mobile home park designed and delineated for accommodation of one manufactured or mobile home.

13. "Manufactured or Mobile Home Stand" means that part of an individual manufactured or mobile home space which has been designated the placement of a manufactured or mobile home.

14. "Parking Space" means a surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced means of ingress and egress. For purposes of this Section 12-222.5, the size of the parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

15. "Permittee" means any person to whom a temporary permit is issued to maintain or operate a manufactured or mobile home park under the provisions of this Section 12-222.5.

16. "Person" means natural individual, firm, trust partnership, association, or corporation.

17. "Public Water System or Public Sewer System" means any such system built and owned by or dedicated to and accepted by the Town of Okeene.

18. "Travel Trailer" means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of regulation, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

Section 12-222.5.3 FREE-STANDING MANUFACTURED OR MOBILE HOMES; USE BY REVIEW PROCEDURE

1. No free-standing manufactured or mobile home or travel trailer shall be permitted on property within the corporate limits of the Town of Okeene, Oklahoma, unless it is being offered for sale or parked for storage, or located within an R-4 Manufactured or Mobile Home Park Zoning District or other appropriate zoning district or pursuant to any use by review procedure which permits such free-standing location.

2. Except for manufactured or mobile homes or travel trailers within regular commercial manufactured or mobile home or travel trailer sales lots, each such free-standing manufactured or mobile home or travel trailer offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purposes.

3. Free-Standing Manufactured Homes; Use by Review Procedure

A. Any property owner who desires to place a free-standing manufactured home on any single lot, tract or property having a minimum lot width of fifty feet (50') and a minimum lot area of five thousand (5000) square feet and zoned R-1 (Single Family District) or R-2 (General Residential District) shall file an application for use by review with the Town Clerk. The application for use by review shall be submitted with a check in the amount of $100.00 and a certified abstractor, registered professional engineer or registered land surveyor's list of the names of all property owners within such area. The application shall also include the following materials:

(1) Photographs or other exact representation of the manufactured home desired to be placed on the lot, tract or property, and including a complete description of its size, age, type, manufacturer and composition;

(2) A survey or other written representation deemed appropriate by the town administrator, which shows where the manufactured home will be placed on the lot, tract or property, how connection will be made to the town and other utilities and the location and placement of the driveway and other required appurtenances and facilities; and

(3) Such other information deemed appropriate by the town administrator.

B. Upon receipt of all the referenced items, the town clerk shall mail written notices to all the owners of real property within a three hundred (300) feet radius of the exterior boundary of the territory contained in the application and publish a copy of the notice in a newspaper of general circulation. Additional notice shall also be given by posting the notice of the hearing on the affected property at least twenty (20) days before the date of the hearing. The notice shall be mailed and published at least twenty (20) days before the date of the public hearing before the Okeene Planning Commission. The notice shall contain the following:

(1) Legal description of the property and the street address or approximate location of the municipality;

(2) Present zoning of the property and the use sought by the applicant; and

(3) Date, time and place of the public hearing.

C. General Provisions. No manufactured home shall be approved through a use by review process that is not made in accordance with the following criteria:

(1) Only manufactured homes which are double-wide shall be permitted and size of the manufactured home can be considered in the determination;

(2) Only new or almost new manufactured homes shall be permitted and no manufactured homes older than five years from the date of the application shall be approved by the use by review process;

(3) At least one hard surfaced, on site, parking space shall be provided;

(4) Setbacks and other specific restrictions shall be as provided in the applicable zoning district;

(5) Support and Tie Downs shall be as provided in Section 12-222.5.11.H;

(6) Skirting shall be as provided be as provided in Section 12-222.5.11.I, except brick skirting may be recommended by the Okeene Planning Commission and required by the Town Board of Trustees;

(7) The manufactured home shall be properly connected to Town Water System (Section 12-222.5.11.L), Town Sewer System (Section 12-222.5.11.M), Town Electrical System (Section 12-222.5.11.N), Oklahoma Natural Gas' System for natural gas (no LPG shall be permitted), and all other provisions contained in Section 12-222.5.15;

(8) No wrecked, damaged, or dilapidated manufactured homes shall be permitted on any single lot, tract or property.

D. In any use by review procedure the Okeene Planning Commission may recommend and the Town Board of Trustees may require any other requirement to ensure that the manufactured home conforms to the neighborhood and protects the public health, safety and welfare of the public.

E. Conditions for Authorization. No Use By Review shall be granted by the Town Board of Trustees unless it finds:

(1) Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the Use By Review are not substantially injured.

(2) Intent of General Description: That the Use by Review is consistent with the intent and purpose of the particular zone to promote public health, safety and general welfare.

(3) Land Use Plan: That the Use by Review is in keeping with the Land Use Plan of the Town.

Note: This section was amended by Ordinance No. 2-15-01 approved on January 13, 2015.

Section 12-222.5.4 NON-RESIDENTIAL MANUFACTURED OR MOBILE HOMES OR TRAILERS

1. Non-residential manufactured or mobile homes or trailers shall not be permitted in the Town of Okeene, Oklahoma, unless a Temporary Permit for operation is issued by the Building Official; such Permit shall specify the permitted use of the non-residential manufactured or mobile home or trailer, the location of such operation and the termination date of the Permit, and shall only be issued under terms of this Code of Ordinances and the adopted Zoning Ordinance of the Town of Okeene, Oklahoma.

2. No Permit shall be issued for a use which would violate any local, State or Federal Ordinance, law or regulation.

3. An annual fee of twenty ($20.00) dollars shall be charged for each non-residential manufactured or mobile home or trailer Permit; provided, that, no governmental or non-profit agency shall be charged for such a fee.

4. Operation of non-residential manufactured or mobile homes or trailers by contractors or construction projects for which Building Permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.

5. This section shall not be construed as permitting or authorizing the permanent location of any non-residential manufactured or mobile home or trailer within the corporate limits of the Town of Okeene, Oklahoma, in conflict with any adopted Zoning Ordinance of said City.

Section 12-225.5.5 PERMITS; REQUIREMENTS; PROCEDURES; FEES

1. Except as otherwise provided, it shall be unlawful for any person to construct, maintain or operate any manufactured or mobile home within the limits of the Town of Okeene, Oklahoma, unless located in a R-4 Manufactured and Mobile Home Park or other appropriate zoning district and unless such person holds a valid

Permit issued annually by the Building Official of the Town of Okeene, Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this Section 12-222.5 may be continued under a Temporary Permit for such period of time and under such conditions as are hereinafter described.

2. Issuance of Permit. Application shall be made to the Board of Trustees who shall authorize the Town Clerk to issue a permit upon compliance by the applicant with all pertinent provisions of these and other Regulations of the Town of Okeene. Every person holding such a permit shall notify the Town Clerk in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of any manufactured or mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such manufactured or mobile home park.

3. Application for Original Permit.

a. Name and address of the applicant.

b. The interest of the applicant in and the location and legal description of the park.

c. A complete plan of the park neatly drafted at a scale of one (1) inch equals one hundred (100) feet showing:

(1) The area and dimensions of the tract of land.
(2) The number, locations, and size of all manufactured or mobile home spaces to the nearest one (1) foot.
(3) The location and width of access drives, walkways, buffer strips, and recreational areas.
(4) The location and dimensions of all on-street and off-street parking spaces,
(5) The location of service buildings and other proposed structures.
(6) The location and size of utility lines and treatment facilities.
(7) Compliance with all the provisions of these regulations.
(8) Such further information as may be requested by the inspection officer of the Board of Trustees.

4. Board of Trustees Approval Required. Prior to the issuance of an original permit for a manufactured or mobile home park the complete plan of the park as required above shall be reviewed by the Okeene Planning Commission with a recommendation submitted to the Town Board of Trustees. The Town Board of

Trustees must approve the permit for it to be effective. Such approval shall be shown on the plan by the signature of the Mayor as authorized by the Board of Trustees. Such approved plan shall be filed as a permanent record with the Town of Okeene.

5. Application for Renewal of Permit. A manufactured or mobile home park shall be renewed each year. A request for the renewal of a permit shall be considered by and approved in the same manner as the original permit was approved as provided in the previous subsection 4, if one or more of the following charges to the approved plan are proposed:

a. The park is to be enlarged.

b. The alignment of any road is changed or additional roads are proposed.

c. The water distribution system or the sanitary sewer system is expanded.

d. New spaces are proposed to be added.

In all other cases the Building Official is authorized to approve the renewal of a permit if he finds the park to be in compliance with the approved plan and with these Regulations; provided, however, that the Building Official may submit a request for a renewal to as provided hereinabove, at his discretion, if he has any doubts concerning the propriety or legality of authorizing the issuance of a renewed permit.

6. The applications for renewal of a permit shall be made in writing by the holder of the permit and shall contain the following:

a. Any change in the information submitted since the time the original permit was issued or the latest renewal granted.

b. Other information requested by the Building Official.

7. Applications shall be made to the Building Official, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

8. Whenever the Building Official finds conditions existing in violation of this Section 12-222.5, or of any regulation adopted pursuant thereto, he shall give notice, in writing, to the person

to whom the Permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the Permit will be suspended. At the end of such period, not to exceed ninety (90) days, the Building Official shall re-inspect such park, and, if such conditions or practices have not been corrected, he shall suspend the Permit and give notice, in writing, of such suspension to the person to whom the Permit was issued and/or the person managing or in charge of the park. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.

9. Any person whose Permit has been denied or suspended, or who has received notice from the Building Official that his Permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the Town Board of Trustees; provided that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such Permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

10. Manufactured or Mobile home in existence upon the effective date of this Section 12-222.5, which have concrete pads indicating the location of manufactured or mobile home spaces, need not comply with those sections which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Section 12-222.5.

Section 12-222.5.6 INSPECTION OF PARKS

1. The Building Official is hereby authorized and directed to make inspections to determine the condition of manufactured or mobile home parks within the Town of Okeene, Oklahoma, in order to perform the duty of safeguarding the health and safety of occupants of such parks and of the general public.

2. The Building Official shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Section 12-222.5 or of regulations promulgated thereunder.

3. The Building Official shall have the power to inspect the register containing a record of all homes and occupants using the park.

4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such manufactured or mobile home park, or their premises, at

reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this Section 12-222.5, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Section 12-222.5.

Section 12-222.5.7 NOTICES, HEARINGS AND ORDERS

1. Whenever violations of pertinent regulations are found to exist, the Permittee or the person managing or in charge of such park, shall be notified of such alleged violation. Such notice shall:

A. Be in writing;

B. Include a statement of the reasons for its issuance;

C. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of this Section 12-222.5 and other pertinent regulations;

D. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and

E. Be served upon the owner, operator or person in charge, or his agent as the case may require; provided that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

2. Any person affected by any notice issued under this section or resulting regulations, may request and shall be granted a hearing on the matter before the Town Board of Trustees, acting as a Board of Appeals; provided, that, such person shall file with the Building Official a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day the notice was served. The filing of such request shall stay the notice of suspension of the Permit, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next Town Board of Trustees meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Building Official determine that sufficient cause for such delay exists.

3. After such hearing, the Building Official shall compile the findings of the Town Board of Trustees as to compliance with this Section 12-222.5 and pursuant regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior

notice which shall be served. Upon failure to comply with such order, the Permit of the park shall be revoked.

4. Any person aggrieved by the decision of the Town Board of Trustees may seek relief in Blaine County District Court.

5. Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the Permit. Notwithstanding any other provisions of this Section 12-222.5, such order shall be effective immediately. Any person to whom such an order is directed, shall comply therewith immediately, but upon petition to the Town Board of Trustees, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed.

Section 12-222.5.8 SUPERVISION; POSTING OF TEMPORARY PERMIT

The Permittee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this Section 12-222.5 to which the licensee is subject.

Section 12-222.5.9 POSTING OF PERMIT

The Permit shall be conspicuously posted in the office of, or on the premises of, the park at all times.

Section 12-222.5.10 GENERAL PROVISIONS FOR MANUFACTURED AND MOBILE HOME PARK DESIGN AND IMPROVEMENTS

A. Site. All manufactured and mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply. A manufactured and mobile home park, or any part thereof, shall not be located within the limit of any flood plain delineated either by the "flood of record" or "one-hundred year flood" whichever be the greater; provided, however, that a manufactured and mobile home park may be located in a flood plain if the elevation of all access drives, parking areas, sidewalks and manufactured or mobile home spaces are raised by fill to a point one (1) foot above flood elevation as certified by a qualified engineer registered in the State of Oklahoma.

B. Minimum Standards Applicable. All improvements shall be designed and installed in a manner such that they either meet or exceed the minimum standards established by the regulations set forth in this Section 12-222.5.

C. Plan Preparation Responsibility. Plans for all improvements required by this Section 12-222.5 shall be prepared by a qualified engineer registered in the State of Oklahoma.

D. Occupancy by Manufactured and Mobile Homes. Manufactured and mobile home spaces shall not be rented or occupied prior to the installation of all required improvements and the approval thereof by the inspection officer.

Section 12-222.5.11 MANUFACTURED AND MOBILE HOME PARK DESIGN STANDARD

A. Minimum Park Size. The minimum area of any park shall be 14,000 square feet. However, parks in existence on the effective date of these Regulations can continue to operate with less than 14,000 square feet, but if the park is to be expanded it must at that time have a minimum area of 14,000 square feet.

B. Intensity of Use. Intensity of development shall be limited to no more than four (4) manufactured and mobile homes per 14,000 square feet for a manufactured and mobile home park. Area used for sewerage treatment facilities and area included in streets dedicated to the public shall not be included in density computations. Each manufactured and mobile home space shall have a minimum of three thousand five hundred (3,500) square feet. Area included in parks, access drive rights-of-way and other community facilities shall not be included as a part of the rebuilt area of a manufactured and mobile home space.

C. Streets and Access Drives.

1. The right-of-way width of all streets adjacent to a manufactured and mobile home park and dedicated to the public shall be in compliance with the standards and regulations adopted by the Town of Okeene. The right-of-way width of all streets in the interior of a manufactured and mobile home park that are either dedicated to the public or are proposed to be dedicated to the public shall be in compliance with the standards and regulations adopted by the Town of Okeene.

2. All the streets within and adjacent to a manufactured and mobile home park which are located in a right-of-way dedicated to the public shall be improved in accordance with the adopted standards and specifications of the Town of Okeene.

3. Where the size of a manufactured and mobile home park is of such a magnitude that collector streets are deemed desirable and appropriate, the Town of Okeene may require the developer to plat and dedicate such collector streets to the Town of Okeene.

4. All manufactured and mobile home spaces shall abut an access drive having unobstructed access to a public street or highway.

5. Access drive surface widths shall be constructed in accordance with the following schedule:

Component	Minor Access Drive	Collector Access Drive
Driving Lane	12 ft.	13 ft.
Parallel Parking	7 ft.	8 ft.

6. The right-of-way limits of an access drive shall be not less than six (6) feet beyond the outer limits of a cross section of the driving surface and surface drainage facility of the adjacent roadway.

7. All access drives, parking space and access ways to parking spaces shall be constructed with adequate grade to accommodate the runoff of surface water with no problem of residual ponding of water; street grades shall not exceed ten percent (10%).

8. All access drives, parking spaces and access ways to parking spaces shall be improved with a dust free surface impervious to water.

9. All access drives which connect with public streets shall be constructed in accordance with Standard Design of Driveway Entrances for Oklahoma Highways as amended, prepared by the Oklahoma State Highway Department.

D. Parking

1. In new manufactured and mobile home parks at least one (1) clearly defined parking space shall be provided for each manufactured and mobile home space either on or adjacent to the manufactured and mobile home space.

2. Reserved.

E. Manufactured and Mobile Home Spaces.

1. Each manufactured and mobile home space shall have a minimum of not less than three thousand five hundred (3,500) square feet exclusive of access drive right-of-way and any other area which is a part of a community facility.

2. Every manufactured and mobile home space shall be clearly defined.

3. The minimum manufactured and mobile home space width, measured parallel to the abutting street or access drive, at the front yard setback line shall be thirty-five (35) feet. All manufactured and mobile home spaces shall abut a street or an access drive, for a distance of not less than twenty-five feet.

F. Setbacks.

1. No manufactured and mobile home shall be parked less than five (5) feet from any property line of a manufactured and mobile home park.

2. It shall be unlawful to locate a manufactured and mobile home less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such manufactured and mobile home will obstruct any roadway or walkway of such park.

3. The following minimum yard setbacks shall be provided for manufactured and mobile homes.

a. Reserved.

b. Manufactured and mobile homes shall be located not less than five (5) feet from interior manufactured and mobile home space lines.

c. Mobile homes shall be located not less than fifteen (15) feet from the rear manufactured and mobile home space line.

d. An accessory building shall be located not less than three (3) feet to any interior or rear manufactured and mobile home space line.

G. Reserved.

H. Supports and Tie downs. It shall be the responsibility of the owner or occupant of any mobile home to cause such manufactured or mobile home to be anchored and tied down securely in accordance with the following minimal standards after moving on a mobile home.

1. The manufactured and mobile home shall have its frame supported by a foundation system capable of safely supporting the loads imposed as determined by the character of the soil. The minimum foundation design shall be a series of piers spaced at no more than ten (10) foot intervals and no farther than five (5) feet from the ends of the manufactured or mobile home. All piers shall be of standard concrete block construction, 8 x 16 inches, and shall rest on solid concrete blocks or pads of concrete measuring no less than 8 x 16 x 4 inches, forming a base sixteen (16) inches square. For leveling purposes, wood blocking no less than the nominal dimensions of 8 x 16 inches with a maximum thickness of four (4) inches may be used.

See actual ordinance for diagram -Ordinance No. 2012-6

2. The tie down and anchoring system shall be provided as recommended by the manufacturer or as follows:

a. Tie down anchors shall be securely installed in soil providing a stable foundation to withstand a minimum pull of three thousand seven hundred fifty (3,750) pounds for each ten (10) feet of a manufactured and mobile home.

b. All ties and connectors shall be of a type approved by the United States Department of Housing and Urban Development (H.U.D.) for manufactured and mobile home anchoring.

I. Skirting. It shall be the responsibility of the owner or occupant of any manufactured and mobile home, within a period of no longer than thirty (30) days after moving such manufactured or mobile home into a manufactured and mobile home park or other permitted location within the corporate limits of the City, to cause such manufactured and mobile home to be totally skirted of metal or other non-degradable solid material. The skirting shall be secured to the manufactured or mobile home and to the ground in a manner that will prevent the intrusion of animals and will reduce the hazards of strong winds under said home.

J. Screeninq. All manufactured and mobile home parks shall provide suitable screening approved by the Board of Trustees where abutting single-family residential areas. Suitable screening and/or buffer zones, in amounts and of a type deemed appropriate by the Board of Trustees of the Town of Okeene any are required where manufactured and mobile home parks abut single family residential areas. Suitable screenings will normally be of defined as a solid fence, or row of shrubbery at least six feet in height.

K. Fire Protection Capability. Fire Protection Capability shall be made in accordance with the applicable version of the International Fire Code.

L. Water Supply. An accessible, adequate, safe, and potable water supply of water shall be provided in each manufactured and mobile home park by connection to the Town of Okeene's water system. The water distribution system shall be designed and constructed in accordance with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

M. Sewage Disposal. Manufactured and mobile home parks shall be connected to the Town of Okeene's sanitary sewer system. The sewage distribution systems and connections to the public sewer shall be designed and constructed in accordance with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

N. Electrical Distribution System. All connections and installations shall be made in accordance with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

O. Fuel Supply and Storage.

1. A natural gas system shall be in conformance with the following:

a. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Each manufactured and mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. A liquefied petroleum gas (LPG) system shall be in conformance with the following:

a. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

c. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured and mobile home and shall be maintained in effective operating condition.

d. All LPG piping outside of the manufactured and mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured and mobile homes.

e. Liquefied petroleum gas containers installed on a manufactured and mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) nor more than sixty (60) U.S. Gallons gross capacity.

f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured and mobile home, or any other structure, unless such installations are approved by the Town Administrator.

Section 12-222.5.12 GENERAL PROVISIONS FOR MANUFACTURED AND MOBILE HOME PARK OPERATION AND MAINTENANCE

A. Restrictions on Occupancy. A manufactured and mobile home shall not be occupied for dwelling purposes unless it is properly placed on a manufactured and mobile home stand and connected to water, sewerage and electrical utilities.

B. Responsibilities of the Park Management.

1. The person to whom a permit for a manufactured and mobile home park is issued shall operate the park in compliance with these Regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of these Regulations and inform them of their duties and responsibilities under these Regulations.

3. The park management shall supervise the placement of each manufactured and mobile home on its manufactured and mobile home stand which includes securing its stability and installing all utility connections.

4. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

5. The park management shall notify the Town Administrator immediately of any suspected communicable or contagious disease within the park.

C. Responsibilities of Park Occupants.

1. The park occupant shall comply with all applicable requirements of these Regulations and shall maintain his manufactured and mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park occupant shall be responsible for proper placement of his manufactured and mobile home on its mobile home stand and proper installations of all utility connections in accordance with the instructions of the park management.

Section 12-222.5.13 REFUSE HANDLING.

The storage and collection of refuse shall be governed by the terms this municipal code.

Section 12-222.5.14 REGISTRATION OF OWNERS AND OCCUPANTS

1. Each park Permittee shall keep a register containing a record of all home and travel trailer owners and occupants located within the park. The register shall contain the following information:

A. The name and address of the owner or occupant of each home and any motor vehicle;

B. The make, model, year and license of each mobile or manufactured home and motor vehicle.

2. The park shall keep the register available for inspection at all times by law-enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of each occupant registered shall not be destroyed for a period of one (1) year, following the date of departure of the registrant from the park.

Section 12-222.5.15 OTHER REGULATIONS

A. It is the intent of these regulations to insure that a mobile or manufactured home shall be of adequate quality and safe design. A mobile or manufactured home to be installed in the corporate city limits must be certified by the manufacturer and must meet the following criteria:

1. All electrical materials, devices, appliances, and electrical equipment are in sound and safe condition. Aluminum conductors are not accepted.

2. All mechanical systems, including space and water heating, are in sound and safe condition.

3. All plumbing, gas piping, and waste systems are in sound and safe condition.

4. All structural systems are in sound and safe condition. Mobile or manufactured homes which show signs of fire damage are not permitted.

B. Structural additions. It is the intent of these regulations to insure that structural additions to mobile or manufactured homes located on individual lots are of quality design and construction, in accordance with the applicable provisions of this section.

1. Carports and patio covers shall be permitted, provided they cover a permanently surfaced parking or improved patio area, and meet the minimum building setback requirements.

2. Garages shall be permitted, provided they cover a permanently surfaced parking area and are connected to the streets by a permanently surfaced drive, meet the minimum building setback requirements, and have roof and siding material that is compatible with the primary structure.

3. Living area additions shall be permitted, provided they meet the minimum building set back requirements, have roof and siding material that is compatible with the primary structure, and comply with the same minimum structural standards as required of the primary structure.

4. For purpose of this Section, permanently surfaced shall mean a surface covering which is sloped and drained so as to prevent standing pools of water and which shall meet or exceed the following minimum standards:

a. Four (4) inches of compacted screenings on a four-inch base of stabilized subgrade or the equivalent thereto, which has been approved by the Town Administrator.

b. Four (4) inches of gravel contained by timbers or other curbing around its perimeter on a four-inch base of stabilized subgrade or the equivalent thereto, which has been approved by Town Administrator.

c. Two (2) inches of hot asphaltic concrete on a four-inch base of stabilized aggregate or the equivalent thereto, which has been approved by the Town Administrator.

d. Four (4) inches of Portland cement concrete on a two-inch sand cushion or the equivalent thereto, has been approved by the Town Administrator.

Section 12-222.5.16 DAMAGED OR DILAPIDATED UNITS.

Wrecked, damaged or dilapidated manufactured and mobile homes shall not be kept or stored in a manufactured and mobile home park. The Building Official shall determine if a manufactured and mobile home is damaged or dilapidated to a point which makes said manufactured and mobile home unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the manufactured and mobile home shall be vacated and removed from the premises.

Note: Section 12-222.5 was adopted as Ordinance No. 2012-6 on October 9, 2012.

Section 12-222.7.1 R-5 – TRAVEL TRAILER PARK ZONING DISTRICT; PURPOSE.

1. The purpose of the sections contained within Section 12-222.7 is to provide for a R-5 Travel Trailer Park Zoning District for areas within the corporate boundaries of the Town of Okeene, Oklahoma, wherein the location and development of travel trailers as herein defined may be provided. The reason for these sections is to permit travel trailers to be located in R-5 Zoning Districts in order to permit a less expensive alternative for housing locations, provided the public health, safety and welfare of the Town is not adversely effected and the location of such travel trailers substantially comply with this Code. A further purpose and intent of these regulations is to establish and provide minimum acceptable standards, requirements, and regulations for the planned use and maintenance of travel trailer parks within the corporate limits of the Town, in the interest of health, safety, and general welfare of the public. The standards, requirements and regulations

as herein provided are intended to encourage the use and maintenance of travel trailers in a manner providing for safe and sanitary living conditions and convenience for its occupants and neighbors. It is further intended to discourage any use which would create additional requirements and costs for public services which would be in excess of such requirements and costs required by conventional single family residential use.

2. The section contained within Section 12-222.7.1 are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of travel trailer parks.

3. No person may place a travel trailer in any location in the Town except as permitted in the R-4 Manufactured & Mobile Home Park Zoning District or in the R-5 Travel Trailer Park Zoning District or as provided by Section 12-222.7.3 or as otherwise provided in the municipal code.

Section 12-222.7.2 DEFINITIONS

For the purpose of the sections contained within Section 12-222.7 et seq., the following terms, words and phrases shall have the meanings indicated hereinbelow:

1. Access Drive means a public or private street in a Travel Trailer Park designed to provide vehicular access to two or more travel trailer spaces.

2. Frontage means that part of a travel trailer space which abuts an access drive.

3. Inspection office means the designated Building Official of the Town of Okeene or his authorized agent.

4. "Manufactured Home" shall be defined as provided in Section 12-222.5.2 of this code.

5. "Mobile Home" shall be defined as provided in Section 12-222.5.2 of this code.

6. "Parking Space" means a surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced means of ingress and egress. For purposes of the sections contained within Section 12-222.7, the size of the parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

7. "Permittee" means any person to whom a permit or temporary permit is issued to maintain or operate a travel trailer park under the sections contained within Section 12-222.7.

8. "Person" means natural individual, firm, trust partnership, association, or corporation.

9. "Public Water System or Public Sewer System" means any such system built and owned by or dedicated to and accepted by the Town of Okeene.

10. "Travel Trailer" means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use and shall include a motor home.

Section 12-222.7.3 FREE-STANDING TRAVEL TRAILERS.

1. No free-standing travel trailer shall be permitted on property within the corporate limits of the Town of Okeene, Oklahoma, unless it is being offered for sale or parked for storage, or located within the R-4 Manufactured & Mobile Home Park Zoning District or the R-5 Travel Trailer Park Zoning District or other appropriate zoning district which permits such free-standing location.

2. Except for travel trailers within regular commercial travel trailer sales lots, each such free-standing travel trailer offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purposes. Only travel trailers located within the R-4 Manufactured & Mobile Home Park Zoning District or the R-5 Travel Trailer Park Zoning District shall be occupied for either living or sleeping purposes and any person using a travel trailer for either living or sleeping purposes not so located shall be committing an offense and if convicted shall be fined in accordance with the general penalty section of this municipal code.

Section 12-222.7.4 RESERVED.

Section 12-227.7.5 PERMITS; REQUIREMENTS; PROCEDURES; FEES.

1. Except as otherwise provided, it shall be unlawful for any person to construct, maintain or locate any travel trailer within the limits of the Town of Okeene, Oklahoma, unless located in the R-4 Manufactured & Mobile Home Park Zoning District or the R-5 Travel Trailer Park Zoning District or as provided by Section 12-222.7.3 or other appropriate zoning district, unless such person holds a valid Permit issued annually by the Town Administrator of

the Town of Okeene, Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this ordinance may be continued under a Temporary Permit for such period of time and under such conditions as are hereinafter described.

2. Issuance of Permit. Application shall be made to the Town Administrator who shall authorize the Town Clerk to issue a permit upon compliance by the applicant with all pertinent provisions of these and other Regulations of the Town of Okeene. Every person holding such a permit shall notify the Town Clerk in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of travel trailer park. Such notice shall include the name and address of the person owning or having control of such travel trailer park or succeeding to the ownership or control of such travel trailer park.

3. Application for Permit.

a. Name and address of the applicant.

b. The interest of the applicant in and the location and legal description of the park.

c. A complete plan of the park neatly drafted at a scale of one (1) inch equals one hundred (100) feet showing:

(1) The area and dimensions of the tract of land.
(2) The number, locations, and size of all travel trailer spaces to the nearest one (1) foot.
(3) The location and width of access drives, walkways, buffer strips, and recreational areas.
(4) The location and dimensions of all on-street and off-street parking spaces,
(5) The location of service buildings and other proposed structures.
(6) The location and size of utility lines and treatment facilities.
(7) Compliance with all the provisions of these regulations.
(8) Such further information as may be requested by the inspection officer of the Town Administrator.

4. Town Administrator Approval Required. Prior to the issuance of an original permit for a travel trailer park the complete plan of the park as required above shall be reviewed by the Town Administrator. The Town Administrator must approve the permit for it to be effective. Such approval shall be shown on the plan by the signature of the Town Administrator. Such approved plan shall be filed as a permanent record with the Town of Okeene. An

appeal to the Town Board of Trustees from an adverse decision of the Town Administrator shall be permitted if filed in writing with the Town Clerk within ten (10) days of such adverse decision. The decision of the Town Board of Trustees shall be final.

5. Application for Renewal of Permit. A travel trailer park shall be renewed each year. A request for the renewal of a permit shall be considered by and approved in the same manner as the original permit was approved as provided in the previous subsection 4, if one or more of the following charges to the approved plan are proposed:

a. The park is to be enlarged.

b. The alignment of any road is changed or additional roads are proposed.

c. The water distribution system or the sanitary sewer system is expanded.

d. New spaces are proposed to be added.

In all other cases the Town Administrator is authorized to approve the renewal of a permit if he finds the park to be in compliance with the approved plan and with these Regulations; provided, however, that the Building Official may submit a request for a renewal as provided hereinabove, at his discretion, if he has any doubts concerning the propriety or legality of authorizing the issuance of a renewed permit.

6. The applications for renewal of a permit shall be made in writing by the holder of the permit and shall contain the following:

a. Any change in the information submitted since the time the original permit was issued or the latest renewal granted.

b. Other information requested by the Town Administrator.

7. Applications shall be made to the Town Administrator, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

8. Whenever the Building Official finds conditions existing in violation of the sections contained within Section 12-222.7, or of any regulation adopted pursuant thereto, he shall give notice,

in writing, to the person to whom the Permit was issued, that unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the Permit will be suspended. At the end of such period, not to exceed ninety (90) days, the Building Official shall re-inspect such park, and, if such conditions or practices have not been corrected, he shall suspend the Permit and give notice, in writing, of such suspension to the person to whom the Permit was issued and/or the person managing or in charge of the park. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.

9. Any person whose Permit has been denied or suspended, or who has received notice from the Building Official that his Permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the Town Administrator; provided that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such Permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period. An appeal to the Town Board of Trustees from an adverse decision of the Town Administrator shall be permitted if filed in writing with the Town Clerk within ten (10) days of such adverse decision. The decision of the Town Board of Trustees shall be final.

10. Travel Trailers in existence upon the effective date of this ordinance, which have concrete pads indicating the location of the travel trailer spaces, need not comply with those sections which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of the sections contained within Section 12-222.7.

Section 12-222.7.6 INSPECTION OF PARKS

1. The Building Official is hereby authorized and directed to make inspections to determine the condition of travel trailer parks within the Town of Okeene, Oklahoma, in order to perform the duty of safeguarding the health and safety of occupants of such parks and of the general public.

2. The Building Official shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of the sections contained within Section 12-222.7 or of regulations promulgated thereunder.

3. The Building Official shall have the power to inspect the register containing a record of all travel trailers and occupants using the park.

4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such travel trailer park, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with the sections contained within Section 12-222.7, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of the sections contained within Section 12-222.7.

Section 12-222.7.7 NOTICES, HEARINGS AND ORDERS

1. Whenever violations of pertinent regulations are found to exist, the Permittee or the person managing or in charge of such park, shall be notified of such alleged violation. Such notice shall:

a. Be in writing;

b. Include a statement of the reasons for its issuance;

c. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of the sections contained within Section 12-222.7 and other pertinent regulations;

d. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and

e. Be served upon the owner, operator or person in charge, or his agent as the case may require; provided that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

2. Any person affected by any notice issued under these sections or resulting regulations, may request and shall be granted a hearing on the matter before the Town Administrator; provided, that, such person shall file with the Town Clerk a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day the notice was served. The filing of such request shall stay the notice of suspension of the Permit, except in cases of orders issued under Subsection 5, below. The hearing shall be held before the Town Administrator.

3. After such hearing, the Town Administrator shall compile his findings as to compliance with the sections contained within Section 12-222.7 and pursuant regulations, and shall issue an

order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served. Upon failure to comply with such order, the Permit of the park shall be revoked. An appeal to the Town Board of Trustees from an adverse decision of the Town Administrator shall be permitted if filed in writing with the Town Clerk within ten (10) days of such adverse decision. The decision of the Town Board of Trustees shall be final.

4. Any person aggrieved by the decision of the Town Board of Trustees may seek relief in Blaine County District Court.

5. Whenever the Town Administrator finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the Permit. Notwithstanding any other provisions of the sections contained within Section 12-222.7, such order shall be effective immediately. Any person to whom such an order is directed, shall comply therewith immediately, but upon petition to the Town Board of Trustees (as provided hereinabove), shall be afforded a hearing at the next regular meeting.

Section 12-222.7.8 SUPERVISION; POSTING OF TEMPORARY PERMIT.

The Permittee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for the violation of any provision of the sections contained within Section 12-222.7 to which the permittee is subject.

Section 12-222.7.9 POSTING OF PERMIT.

The Permit shall be conspicuously posted in the office of, or on the premises of, the park at all times.

Section 12-222.7.10 GENERAL PROVISIONS FOR TRAVEL TRAILER PARK DESIGN AND IMPROVEMENTS.

1. Site. All travel trailer parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply. A travel trailer park, or any part thereof, shall not be located within the limit of any flood plain delineated either by the "flood of record" or "one-hundred year flood" whichever be the greater; provided, however, that a travel trailer park may be located in a flood plain if the elevation of all access drives, parking areas, sidewalks and manufactured or mobile home

spaces are raised by fill to a point one (1) foot above flood elevation as certified by a qualified engineer registered in the State of Oklahoma.

2. Minimum Standards Applicable. All improvements shall be designed and installed in a manner such that they either meet or exceed the minimum standards established by the regulations set forth in the sections contained within Section 12-222.7.

3. Plan Preparation Responsibility. Plans for all improvements required by the sections contained within Section 12-222.7 shall be prepared by a qualified engineer registered in the State of Oklahoma.

4. Occupation of Travel Trailers. Travel Trailer spaces shall not be rented or occupied prior to the installation of all required improvements and the approval thereof by the inspection officer.

SECTION 12-222.7.11 TRAVEL TRAILER PARK DESIGN STANDARD.

1. Minimum Park Size. The minimum area of any park shall be 14,400 square feet. However, parks in existence on the effective date of these regulations can continue to operate with less than 14,400 square feet, but if the park is to be expanded it must at that time have a minimum area of 14,400 square feet.

2. Intensity of Use. Intensity of development shall be limited to no more than six (6) travel trailers per 14,400 square feet for a travel trailer park. Area used for streets dedicated to the public shall not be included in density computations. Each travel trailer space shall have a minimum of two thousand four hundred (2,400) square feet.

3. Streets and Access Drives.

a. The right-of-way width of all streets adjacent to a travel trailer park and dedicated to the public shall be in compliance with the standards and regulations adopted by the Town of Okeene. The right-of-way width of all streets in the interior of a travel trailer park that are either dedicated to the public or are proposed to be dedicated to the public shall be in compliance with the standards and regulations adopted by the Town of Okeene.

b. All the streets within and adjacent to a travel trailer park which are located in a right-of-way dedicated to the public shall be improved in accordance with the adopted standards and specifications of the Town of Okeene.

c. Where the size of a travel trailer park is of such a magnitude that collector streets are deemed desirable and appropriate, the Town of Okeene may require the developer to plat and dedicate such collector streets to the Town of Okeene.

d. All travel trailer park spaces shall abut an access drive having unobstructed access to a public street or highway.

e. Access drive surface widths shall be constructed in accordance with the following schedule:

Component	Minor Access Drive	Collector Access Drive
Driving Lane	12 ft.	13 ft.
Parallel Parking	7 ft.	8 ft.

f. The right-of-way limits of an access drive shall be not less than six (6) feet beyond the outer limits of a cross section of the driving surface and surface drainage facility of the adjacent roadway.

g. All access drives, parking space and access ways to parking spaces shall be constructed with adequate grade to accommodate the runoff of surface water with no problem of residual ponding of water; street grades shall not exceed ten percent (10%).

h. All access drives, parking spaces and access ways to parking spaces shall be improved with a dust free surface impervious to water.

i. All access drives which connect with public streets shall be constructed in accordance with Standard Design of Driveway Entrances for Oklahoma Highways as amended, prepared by the Oklahoma State Highway Department.

4. Parking

a. In any new travel trailer park at least one (1) clearly defined parking space shall be provided for each travel trailer park space either on or adjacent to the travel trailer park space.

b. Reserved.

5. Travel Trailer Park Spaces.

a. Each travel trailer park space shall have a minimum of not less than two thousand four hundred (2,400) square feet

exclusive of access drive right-of-way and any other area which is a part of a community facility.

b. Every travel trailer park space shall be clearly defined.

c. The minimum travel trailer park space width, measured parallel to the abutting street or access drive, at the front yard setback line shall be thirty-five (35) feet. All travel trailer park spaces shall abut a street or an access drive, for a distance of not less than twenty-five feet.

6. Setbacks.

a. No travel trailer shall be parked less than five (5) feet from any property line of a travel trailer park.

b. It shall be unlawful to locate a travel trailer less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such travel trailer will obstruct any roadway or walkway of such park.

c. The following minimum yard setbacks shall be provided in travel trailer parks.

(1) Reserved.

(2) Travel trailers shall be located not less than five (5) feet from interior travel trailer space lines.

(3) Travel trailers shall be located not less than fifteen (15) feet from the rear Travel trailer space line.

7. Screeninq. All travel trailer parks shall provide suitable screening approved by the Town Administrator where abutting single-family residential areas. Suitable screening and/or buffer zones, in amounts and of a type deemed appropriate by the Town Administrator are required where travel trailer park abut single family residential areas. Suitable screenings will normally be of defined as a solid fence, or row of shrubbery, at least six feet in height.

8. Fire Protection Capability. Fire Protection Capability shall be made in accordance with the applicable version of the International Fire Code.

9. Water Supply. An accessible, adequate, safe, and potable water supply of water shall be provided in each travel trailer park by connection to the Town of Okeene's water system. The water distribution system shall be designed and constructed in accordance

with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

10. Sewage Disposal. Travel trailer parks shall be connected to the Town of Okeene's sanitary sewer system. The sewage distribution systems and connections to the public sewer shall be designed and constructed in accordance with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

11. Electrical Distribution System. All connections and installations shall be made in accordance with the ordinances of the Town of Okeene and the regulations and requirements of the Oklahoma Department of Environmental Quality.

12. Fuel Supply and Storage.

a. A natural gas system shall be in conformance with the following:

(1) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(2) Each travel trailer provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

b. A liquefied petroleum gas (LPG) system shall be in conformance with the following:

(1) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(2) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the travel trailer and shall be maintained in effective operating condition.

(4) All LPG piping outside of the travel trailer shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in travel trailer parks.

(5) Liquefied petroleum gas containers installed on a travel trailer lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) nor more than sixty (60) U.S. Gallons gross capacity.

(6) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, travel trailer or any other structure, unless such installations are approved by the Town Administrator.

SECTION 12-222.7.12 GENERAL PROVISIONS FOR TRAVEL TRAILER PARK OPERATION AND MAINTENANCE.

1. Restrictions on Occupancy. A travel trailer shall not be occupied for dwelling purposes unless it is properly placed on a travel trailer park space and if appropriate for the type of travel trailer, connected to water, sewerage and electrical utilities.

2. Responsibilities of the Park Management.

a. The person to whom a permit for a travel trailer park is issued shall operate the park in compliance with these Regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

b. The park management shall notify park occupants of all applicable provisions of these Regulations and inform them of their duties and responsibilities under these Regulations.

c. The park management shall supervise the placement of each travel trailer on its travel trailer space which includes securing its stability and installing all utility connections, if appropriate.

d. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

e. The park management shall notify the Town Administrator immediately of any suspected communicable or contagious disease within the park.

3. Responsibilities of Park Occupants.

a. The park occupant shall comply with all applicable requirements of these Regulations and shall maintain his travel

trailer, its facilities and equipment in good repair and in a clean and sanitary condition.

b. The park occupant shall be responsible for proper placement of his travel trailer on its travel trailer space and proper installations of all utility connections in accordance with the instructions of the park management, if appropriate.

4. Connection to Utilities Exception. If the travel trailer is not appropriately connected to the sewer or water service due to the shortness of its length of stay within the travel trailer park, or due to design of the travel trailer or due to other reason approved by the Town Administrator, then the travel trailer owner or lessee shall ensure that all waste is appropriately disposed of in accordance with town and Department of Environmental Quality regulations.

SECTION 12-222.7.13 REFUSE HANDLING.

The storage and collection of refuse shall be governed by the terms this municipal code.

Section 12-222.7.14 REGISTRATION OF OWNERS AND OCCUPANTS.

1. Each park Permittee shall keep a register containing a record of all travel trailer owners and occupants located within the park. The register shall contain the following information:

a. The name and address of the owner or occupant of each travel trailer and any motor vehicle;

b. The make, model, year and license of each travel trailer and motor vehicle.

2. The park shall keep the register available for inspection at all times by law-enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of each occupant registered shall not be destroyed for a period of one (1) year, following the date of departure of the registrant from the park.

Section 12-222.7.15 OTHER REGULATIONS.

1. It is the intent of these regulations to insure that a travel trailer shall be of adequate quality and safe design. A travel trailer to be installed in the corporate city limits must be certified by the manufacturer and must meet the following criteria:

a. All electrical materials, devices, appliances, and electrical equipment are in sound and safe condition.

b. All mechanical systems, including space and water heating, are in sound and safe condition.

c. All plumbing, gas piping, and waste systems are in sound and safe condition.

d. All structural systems are in sound and safe condition. Travel trailers which show signs of fire damage are not permitted.

e. Structural additions to travel trailer are not permitted.

2. For purpose of this Section, permanently surfaced shall mean a surface covering which is sloped and drained so as to prevent standing pools of water and which shall meet or exceed the following minimum standards:

a. Four (4) inches of compacted screenings on a four-inch base of stabilized subgrade or the equivalent thereto, which has been approved by the Town Administrator.

b. Four (4) inches of gravel contained by timbers or other curbing around its perimeter on a four-inch base of stabilized subgrade or the equivalent thereto, which has been approved by Town Administrator.

c. Two (2) inches of hot asphaltic concrete on a four-inch base of stabilized aggregate or the equivalent thereto, which has been approved by the Town Administrator.

d. Four (4) inches of Portland cement concrete on a two-inch sand cushion or the equivalent thereto, has been approved by the Town Administrator.

Section 12-222.7.16 DAMAGED OR DILAPIDATED TRAVEL TRAILERS.

Wrecked, damaged or dilapidated travel trailers shall not be kept or stored in a travel trailer park. The Building Official shall determine if a travel trailer is damaged or dilapidated to a point which makes said travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the travel trailer shall be vacated and removed from the premises.

Section 12-223 C-1 NEIGHBORHOOD SHOPPING DISTRICT

1. General Description. This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air open space and off-street parking are made than are provided in other commercial districts.

2. Uses Permitted. Property and buildings in a C-1 Neighborhood Shopping District shall be used only for the following purposes:

   a. Any use permitted in an R-1 Residential District.

   b. Any use permitted on review in an R-2 residential District.

   c. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

      Arts School, gallery or museum
      Artist materials, supply studio
      Automobile parking lot
      Baby shop
      Bakery goods store
      Barber shop
      Beauty shop
      Book or stationery store
      Camera shop
      Candy store
      Catering establishment
      Cleaning pressing and laundry collection agency
      Clothing or apparel shop
      Convenience store (with gasoline pumps only)
      Curio or gift shop
      Day care center
      Drug store or fountain
      Dry goods store
      Dairy products or ice cream store
      Delicatessen
      Dress shop
      Florist shop
      Interior decorating shop
      Jewelry or notion store

Key shop
Leather goods shop
Meat market
Medical facility
Messenger or telegraph service
Newspaper or magazine sales
Novelty shop
Office business
Optometrist sales and service
Photographer studio
Pharmacy
Restaurant-not to include drive-in
Self-service laundry or dry cleaning
Shoe repair shop
Stock and bond broker
Tailor shop
Toy store

d. Name plate and sign relating only to the use of the store and premises, which shall be attached to the building.

e. Accessory buildings and uses customarily incidental to the above uses

f. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in a. through e. above shall be displayed or stored outside building.

3. Area Regulations. The area requirements for dwellings shall be the same as the requirement of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district:

a. Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

b. Side Yard. On the side of a lot adjoining a dwelling district there shall be a side yard of not less than twenty-five (250 feet. There shall be a side yard setback from an intersecting street of not less than twenty-five (25) feet.

c. Rear Yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet.

d. Minimum Area. The parcel of land on which a neighborhood Shopping District is located, shall not be less than twelve thousand (12,000) square feet or more than two (2) acres in area.

e. Height Regulations. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as hereinafter provided in Section 12-233.

f. Screening Regulations. Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than eight (8) feet in height when abutting a R-District. For the purposes of this Chapter abutting shall include a R-District separated by an alley.

Section 12-224 C-2 General Commercial District.

1. General Description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and those trucks and commercial vehicles required for stocking and delivery of retail goods.

2. Uses Permitted. Property and buildings in a C-2 General Commercial District shall be used only for the following purposes.

Advertising signs and structures.

Any use permitted in a C-1 neighborhood Shopping District
New and used automobile sale and services, public garages, provided no gasoline is stored above ground, and services conducted wholly within a completely enclosed buildings, but not including automobile or machinery wrecking establishments or junk yards.

Auto court, tourist court, or motel

Ambulance, Fire Department, service, office or garage, Government offices or garage.

Antique shop

Appliance store

Automobile service station and garage

Bail sales

Bakery

Bath house

Bus terminal

Cleaning plant

Commercial parking facilities

Commercial school or hall

Dance hall

Department store

Feed and seed store

Frozen food locker

Furniture repair and upholstery

Furniture store

Funeral parlor or mortuary

Gasoline service or filling station

Grocery store

Hardware store

Heating, ventilation or plumbing supplies, sales and service
Ice storage, locker plant or storage house for food

Laundry and cleaning establishment

Musical instrument sales

Music, radio, or television shop

Museum

Nursery or garden supply store

Pawn shop

Pet shop

Printing plant

Radio and television sales and service

Research laboratories

Sign painting shop

Sewing machine sales, instruction

Sporting good sale

Hospital for small animals

Theater

Variety store

Wood cabinet shop

Buildings, structures, and uses accessory and customarily incidental to any of the above uses, provided that here shall be no manufacture, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments.

Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibrations, blast, or traffic than those enumerated above.

3. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission:

Bars

Private clubs

Machine shop, not including Heavy Equipment Machine Shop

Liquor stores

Amusement and recreation enterprises

Mini-storage

Any use not otherwise authorized by this Chapter

4. Area Regulations. The area regulations for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district.

   a. Front and Side Yard. There are no specific front or side yard requirements for uses other than dwelling.

   b. Rear Yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than twenty (20) feet in width.

   c. Area for Off-Street Parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Section 12-240.

   d. Height Regulations. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as hereinafter provided in Section 12-240 through 12-233.

   e. Screening Regulations. Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than eight (8) feet in height when abutting a R-District. For the purposes of this Chapter abutting shall include a R-District separated by an alley.

Section 12-225 C-3 HIGHWAY COMMERCIAL DISTRICT

1. General Description. This commercial district is intended to provide commercial lodging, recreation, and personal services both the citizens and nonresidents traveling through the city or state and federal highways that traverse the area. Business and facilities of this district will provide the traveling public and require more ribbon development and direct passenger vehicle access than would be desirable in the general commercial district.

2. Uses Permitted. Property and buildings in the C-3 Highway Commercial District shall be used only for the following purposes.

   a. Advertising signs and structures

b. Permanent commercial amusement enterprises

c. Any use permitted in a C-1 Neighborhood Shopping District and C-2 General Commercial District

d. Any of the following:

Artist supplies and hobby shop

Ambulance, fire department, service, office and garage, government offices or garage

Automobile sales, service, repair, and showroom (provided all services and other activity relating to the operation thereof shall be conducted entirely in an enclosed building)

Bait sales

Bakery shop

Barber and beauty shops

Bath house

Boat sales

Book store

Clothing or wearing apparel shops

Dairy products store

Delicatessen

Drive-in restaurant

Drug store

Farm implement and machinery, new and used, sales

Florist shop

Gasoline and oil retail distributing plants

Gift shop

Golf course, miniature or practice range

Grocery store

Hardware store

Hospital for small animals

House trailer and mobile home sales

Indian good retail

Jewelry shop

Kennel

Laundry and dry-cleaning pick up stations

Medical facility

Metal and wood fencing, ornamental grill work and decorative wrought iron work and play equipment sales
Mobile Home and travel trailer sales

Monument sales

Museums-indoor and outdoor

Novelty shop retail

Office general

Parking lot

Pharmacy

Prefabricated house sales

Public uses

Restaurants

Roller skating rinks

Recreation center, public or private

Self-service laundries

Show repair shop

Sightseeing tour depot

Small general contractor and Homeowner equipment rental, sales, service, and repair

Swimming pool, commercial

Tailor shop

Theater

Tourist homes and courts

Toy shop

Trailer camp

Trailers for hauling, rental and sales

Variety store

3. The uses enumerated above shall comply with following provisions

   a. All yards, unoccupied with buildings, or merchandise or used as traffic ways, shall be landscaped with grass and shrubs and maintained in good condition the year round.

   b. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

   c. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent street, and shall not be a flashing or intermittent type.

   d. Accessory buildings and uses customarily incidental to the above uses.

4. Conditional uses permitted on review (NONE)

5. Area Regulations.

   a. All Commercial Uses must have a side yard of twenty (20) feet when abutting a residential district. If alley way

is provided, it may be used in lieu of the twenty (20) feet.

b. Rear Yard. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than twenty (20) feet in width.

c. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements, set forth in Section 12-240 through 12-233.

d. Height Regulations. No buildings shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except as hereinafter provided in Section 12-233.

e. Screening Regulations. The above enumerated places shall comply with the following.

f. All of the above uses shall be screened by ornamental fencing or evergreen planting of not less than eight 98) feet in height when abutting a R-District. For the purpose of this Chapter, abutting shall include those dwellings across an alley.

Section 12-226 C-3-I COMMERCIAL & LIMITED INDUSTRIAL DISTRICT.

1. General Description. This district is intended for areas where there are mixed uses of commercial establishments and light industrial uses. Industries allowed in this district are primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust, and glare of each operation are completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation facilities; however, the size and volume of the raw material and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

2. Uses Permitted. Property and buildings in a C-3-1 District shall be used only for the following purposes:

a. Any use, except a new residential use, permitted in a C-1, C-2, or C-3 District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.

b. Any of the following uses:

Automobile parts rebuilding

Furniture manufacturing

Manufacture of cabinet components

Oilfield service equipment storage yard

Packaging of off-site manufactured products

Self-help mini storage

Signshop and sign construction

3. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

4. Conditional Uses Permitted on Review. Any uses not included in the section 2 above, use permitted, but in consistence with the general description and characteristics of the district, may be reviewed and permitted by the planning and zoning commission in accordance with provisions contained in Section 12-251.

5. Area Regulations. All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements:

a. Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

b. Side Yard. No building shall be located closer than ten (10) feet to a side lot line except when abutting a R-District. Then, it shall have a thirty-five (35) feet side yard.

c. Rear Yard. No building shall be located closer than fifteen (15) feet to the rear lot line, except with abutting a R-District, then it shall have a rear yard of thirty-five (35) feet.

d. Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

e. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

f. Height Regulations. No building or structure shall exceed ninety (90) feet in height, except as hereinafter provided in Section 12-323 of this Chapter.

g. Screening Regulations. No Building or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

h. All of the above uses shall be screened by ornamental fencing or evergreen planting of not less than eight (8) feet in height when abutting a 5-District or a C-Commercial District. For the purpose of this Chapter, abutting shall include those dwellings across an alley.

Section 12-227 I-1 RESTRICTED MANUFACTURING AND WAREHOUSING DISTRICT.

1. General Description. This industrial district is intended primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust, and glare of each operation are completely confined within an enclosed building. These industries may require direct access to rail, air, or street facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

2. Uses Permitted. The following uses shall be permitted in an I-1 District:

a. Any use, except a new residential use, permitted in a C-1, C-2, or C-3 District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.

b. Any of the following uses:

Bottling works
Book bindery
Candy manufacturing
Electrical equipment assembly
Electronic
Electronic equipment assembly and manufacture
Food products processing and packaging
1-2 Engraving plan, including memorial stones
Jewelry and watch manufacturing
Leather goods fabrication
Optical goods manufacturing
Paper products manufacturing
Shoe manufacturing
Sporting good manufacturing

c. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

3. Conditional uses permitted on review. The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Section 12-251:

Furniture manufacturing
Instrument and meter manufacturing
Wholesale or warehousing enterprise
Any residential use, permitted in a C-1, C-2 or C-3 District
Similar uses not listed in Subsection 2b hereinabove

4. General Regulations Applicable to All Uses:

a. Area Regulations. All buildings shall set back from the street right-of –way lines and lot lines to comply with the following yard requirements:

1) Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

2) Side Yard. No building shall be located closer than ten (10) feet to a side lot line except when abutting a R-District. Then, it shall have a thirty-five (35) feet side yard.

3) Rear Yard. No building shall be located closer than fifteen (15) feet to the rear lot line, except when abutting a R-District, then it shall have a rear yard of thirty-five (35) feet.

b. Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

c. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

d. Height Regulations. No building or structure shall exceed ninety (90) feet in height, except as hereinafter provided in Section 12-233 of this Chapter.

e. Screening Regulations. No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

Section 12-228 I-2 GENERAL INDUSTRIAL DISTRICT

1. General Description. This industrial district is intended primarily for the conduct manufacturing, assembling, and fabrication. Theses uses do not depend primarily on frequent visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation facilities.

2. Uses Permitted. Property and building in an I-2 General Industrial District shall be used only for the following purposes:

   a. Any use permitted in the I-1 Restricted Manufacturing and Warehousing District. No new dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 General Industrial District.

   b. Any use permitted in a C-1 or C-3 District.

   c. Building material sales yard and lumber yard, including the sale of rock sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant

   d. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

   e. Farm produce, grain and feed storage including grain elevators.

   f. Freighting or trucking yard or terminal.

   g. Oil field service equipment storage yard.

   h. Public utility service yard or electrical receiving or transforming station.

   i. Town and country equipment service yard.

   j. The following uses when conducted within a completely enclosed building:

      (1) The manufacture, compounding, processing or packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

      (2) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellulose, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or

stone, shell, textiles, tobacco, wood, yard, and paint not employing a boiling process.

(3) The manufacture of pottery and figurines or other similar ceramic products, using, only previously pulverized clay, and kilns fired only by electricity or gas.

(4) The manufacture and maintenance of all types of signs electric or non-electric sign, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

(5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps

(6) Automobile assembling, painting, upholstering, rebuilding, reconditions, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

(7) Machine shop

(8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

(9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.

(10) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

3. The uses permitted under this section shall be conducted in such a manner than no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

4. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Section 12-251:

a. Cement, lime or gypsum manufacture

b. Commercial feed pens for livestock

c. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants

d. Natural gas production and distribution

e. Packing house

f. Petroleum production and refining

g. Sale barn

h. Salvage yards for automobiles, building materials, scrap metals, junk or for any other kind of salvage: provided, however, that all salvage operations shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

i. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

j. Any use not otherwise authorized by this Chapter

5. Area Regulations.

a. Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having less than fifteen (15) feet in depth.

b. Side Yard. No building shall be located closer than ten (10) feet to a side lot line, except when abutting a R-District. Then it shall have a thirty-five (35) feet side yard.

c. Rear Yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases, no rear yard is required: provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.

d. Yard Area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Section 12-240 through 12-247.

e. Height Regulations. No building shall exceed ninety (90) feet in height, except as hereinafter provided in Section 12-233.

f. Screening Regulations. No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

Section 12-229 F-Flood Hazard District

1. General Description. This district is intended to comprise those areas which are subject to periodic or occasional flooding during a one-hundred year frequency flood, which results in special hazards to life and property, in the disruption of commerce and governmental service and poses a direct threat to the public health, safety and general welfare. These regulations are designed to regulate the control uses within flood hazard district to protect human life and health, to minimize damage to public and private property, to minimize surface and ground water pollution, to prevent the encroachment of buildings and improvements in floodway and flood fringe areas which will impede runoff and contribute to flooding in other areas, and to protect natural scenic areas and provide for the conservation of natural resource.

2. Application as Combining (Overlay) Regulations. The boundaries of the Flood Hazard District, which is composed of floodway and flood fringe areas, may cut across and overlay the boundaries of other zoning districts. The regulations applicable t the Flood Hazard District shall be interpreted as being in addition to the requirements of other distinct regulations, and wherever a conflict in requirements results, the regulations of the Flood Hazard District shall supersede all other regulations.

3. Definitions:

   a. Flood. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

   b. Flood Hazard District or Area. All of the land within the jurisdiction which is subject to inundation by the flood having an average frequency of occurrence in the

order of once in 100 years, although the flood may occur in any year. The "Flood Hazard District" includes both the floodway and the flood fringe.

c. Flood Fringe. The portion of the flood hazard district located outside the floodway.

d. Floodway. The stream channel and adjacent area which provides for the downstream movement of the 100-year maximum flood at a rate of 1/10 foot per second or greater.

e. 100-Flood or Rain. A flood or rainfall having an average statistical frequency of occurrence in the order of once in 100 years, although the flood or rainfall may actually occur in any year.

f. Flood Fringe Displacement-Alternative Improvements. The channel improvements in the floodway which are required to prevent increased flooding resulting from the reduced floodwater storage capacity in the flood fringe area due to the filling or other flood proofing or development of the flood fringe area.

4. Uses Permitted

a. Floodway Areas. Property located in all floodways shall be used only for the following purposes; provided, however, that no building or permanent structure is involved, and the use in no way obstructs or otherwise adversely affects the capacity of the floodway.

b. Agricultural uses including the growing of crops and the use of land for pasture and grazing where farm animals are otherwise permitted by the district provisions of the zoning ordinance or by the general ordinances of the city.

c. Private and public recreational uses not otherwise prohibited, such as natural scenic areas, golf courses, swimming and picnic areas, game farms, hiking and horseback riding trails and similar uses.

d. Lawns, gardens and recreation areas which are accessory to residential uses.

e. Flood Fringe Areas. Property and buildings in flood fringe areas shall be used only for the following

purposes; provided, however, that no building or structure or use of land is involved that causes displacement of floodwater or otherwise increases flooding in the floodway, unless the capacity of the floodway is increased to compensate for the reduced capacity of the flood fringe.

f. Any use permitted in the floodway that is not otherwise prohibited by other district provisions of the zoning ordinance or other town regulations.

g. Storage of materials or equipment not adversely affected by flooding

h. Fill, storm water detention and retardation structures, and other flood proofing measures.

i. All other uses permitted in the district with which the Flood Hazard District has been combined when flood proofing and alternative improvements for flood fringe displacement of floodwater have been provided.

5. Flood Proofing and Flood Fringe Displacement-Alternative Improvements. All uses permitted under subsection 4 above shall comply with the following requirements.

a. Flood Proofing. All residential, commercial, industrial and other uses designed for human occupancy shall have the lowest floor elevation, including basement, not less than one foot above the highest elevation of the one hundred year frequency flood. The following additional flood proofing measures may be required to provide flood protection for any permitted use including, but not necessarily limited to the following.

b. Installation of storm water detention and retardation structures.

c. Installation of water tight doors, bulkheads, and shutters, or similar methods of construction

d. Reinforcement of walls to resist water pressures.

e. Use of paints, membranes, or mortars to reduce seepage of water through walls.

f. Addition of mass or weight to structures to resist floatation, or other anchorage.

g. Installation of pumps to lower water levels in structures.

h. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

i. Installation of pumping facilities or comparable practices for subsurface drainage systems or buildings to relieve external foundation wall and basement flood pressures.

j. Construction to resist rupture or collapse caused by water pressure or floating debris.

k. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

l. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding to provide protection from inundation by the 100-year maximum flood.

m. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood proofed to prevent floatation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

6. Flood Fringe Displacement-Alternative Improvements. Before any buildings, improvements of flood proofing is permitted in the flood fringe, the amount of flood water displaced by the proposed change shall be ascertained by an engineer, registered in the State of Oklahoma, in consultation with the town engineer, and alternative improvements shall be made in the floodway to accommodate the flood storage to be eliminated in the flood fringe for a one hundred year frequency flood. The cost of the alternative improvements shall be the responsibility of the individual or entity responsible for the flood fringe displacement.

7. Administrative Requirements. In order to carry out the intent of the requirements set forth in the Flood Hazard District, in addition to other administrative provisions required by this Chapter the following additional provisions shall apply:

   a. Building or Occupancy Permit Required. No use or improvement of any floodway or flood fringe area of any form shall be permitted without first obtaining a building and/or occupancy permit from the zoning administrator.

   b. Additional Information Required. The zoning administrator may require the applicant to furnish any or all of the following information in determining the suitability of a particular site for a proposed use:

   c. Plans in triplicate drawn to scale and showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measure, and the relationship of the above to the location of the channel, floodway, and the flood protection elevation.

   d. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

   e. Plans (surface view) showing elevations or contours of the ground: pertinent structure, fill, or storage elevations; size, location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

   f. A profile showing the slope of the bottom of the channel or flow line of the stream.

   g. Specification for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

Section 12-230 PUD-PLANNED UNIT DEVELOPMENT DISTRICT

1. Purposes. The purposes of the Planned Unit Development are:

a. To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located.

b. To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas and to best utilize the potential of sites characterized by special features of geography, topography, size or shape.

c. General Provisions. Planned Unit Development is permitted on tracts of not less than ten (10) acres in size.

2. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this Article. No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this Article is submitted to and approved by the Planning Commission and the Town Council and filed on record in the office of the County Clerk.

3. Uses Permitted in Planned Unit Development

a. Principal Uses. A Planned Unit Development shall primarily be residential when located within a R-1 district. The development may consist of one or more of the following dwelling types: Single-Family Detached Dwelling, Duplex Dwelling, Multi-Family Dwelling, Townhouse, and similar uses. The uses, other than dwellings which are permitted by right or exception in the R-Districts may be included within a PUD, if such nonresidential uses do not occupy more than ten percent (10%) of the gross area of the PUD which are in the R-1, and R-2 zone, and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties. Land set aside for public facilities such as schools, libraries, firehouses, etc. shall be excluded for the purposes of calculating the gross area of the PUD. The uses permitted in areas zoned as commercial or industrial

districts shall be limited to those uses permitted in the district to which the property is zoned.

b. The commercial uses shall be limited to convenience goods and services and eating places other than drive-ins.

c. The aggregated floor areas of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet.

d. Each commercial establishment shall e limited to a maximum of three thousand five hundred (3,500) square feet of floor area.

e. Commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.

f. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, and shall be designed and located n such manner as to be compatible with the residential use of the PUD and of adjacent properties.

4. Bulk and Area Requirements.

a. Lot Width and Lot Area Minimums. Within a PUD, a minimum lot size requirement of one thousand (1,000) square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of forty (40) feet shall apply to lots utilized for dwelling purposes.

b. Number of Permitted Dwelling Units. It is the intent of this Code that the aggregate density and intensity of use within the PUD remain the same as that which would be permitted if the area were developed conventionally, but that within the PUD the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

Residential Area of the PUD divided by
Permitted D.U.'s+____Minimum land area per D.U. permitted in the applicable use district

c. The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for the use other than dwellings, quasi-dwellings, residential open space and recreation areas. Each six hundred (600) square feet of quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

d. Livability Space. Livability space may be provided on a lot containing the dwelling unit or units on which are computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 12-230.7.

e. Building Height. Within a PUD, the maximum building height shall be based on the planned use of the district.

f. Perimeter Requirements. The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located, provided that within two hundred (200) feet of any abutting property in a R-1 classification, structures containing more than two (2) dwelling units and exceeding fifteen (15) feet in height measured from the ground floor to the top of the top late shall be setback twenty-five (25) feet plus two (2) feet of setback for each one (1) foot of building height exceeding fifteen (15) feet measured from the ground floor level to the top of the top late. Unenclosed off-street parking area, containing six (6) or more spaces, shall be screened from adjoining R-1 District by the erection of a screening wall or fence along the lot line or lines in common with the R-1 District, provided that if the parking area is located more than fifty (50) feet from the R-1 District, the screening requirement shall not apply.

g. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements of Section 12-240. Off Street Parking and

Loading. Required spaces may be provided on the lot containing the dwelling units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common parking space as well insure its continuity and conservation shall be incorporated in the subdivision plat in compliance with the provisions of Section 12-230.7.

5. Administration of Planned Unit Development.

a. General. Any person, corporation, partnership, association, or combination thereof owning or possessing a property right or interest in or to a tract of not less than ten (10) acres in size may make application for the approval of a PUD by filing an application for an outline development plan and a supplemental zoning district designation PUD.

b. An application for the approval of an outline development plan and the supplemental district designation PUD, may be processed simultaneously with and contingent upon an application for an amendment to the zoning map.

c. Application and Outline Development Plans. An application for a Planned Development shall be filed with the Planning Commission. The application shall be accompanied by the payment of a fee established by the town council. Such fee shall not include advertising and sign costs which shall be billed to the applicant. The application shall be in such form and content as the Planning Commission may by resolution establish, provided that four (4) copies of an outline development plan shall accompany the filing of the applications. The outline development plans shall consist of maps and/or text which contain:

(1) Existing topographic character of the land

(2) Proposed land uses, including public uses and open space and the approximate location of buildings and structures.

(3) The character and approximate density of dwellings. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the PUD.

(4) The approximate location of thoroughfares.

(5) Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, booth existing and proposed.

(6) An explanation of the character of the planned development.

(7) The expected schedule of development.

6. Public Hearing and Planning Commission Action. The Planning Commission, upon the filing of an application for the supplemental district designation, PUD shall set the matter for public hearing and give twenty (20) days' notice or as required by the Oklahoma State Statutes, thereof by publication in a newspaper of general circulation. Where deemed necessary by the Planning Commission, additional notice shall be given by the posting of a sign or signs on the property as set forth in this Chapter. Within sixty (60) days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

a. Whether the PUD is consistent with the Comprehensive Plan.

b. Whether the PUD harmonizes with the existing and expected development of surrounding areas.

c. Whether the PUD is a unified treatment of the development possibilities of the project site.

d. Whether the PUD is consistent with the state purposes and standards of this chapter.

When a supplemental district designation PUD is approved, the Planning commission shall forward its recommendation, the application and the Outline Development Plan to the Town Council for further hearing.

a. Town Council Action. Upon receipt of the application, outline development plan, and Planning Commission recommendation, the Town Council shall hold a hearing, review the outline development plan, approve, disapprove, modify, or return the outline development plan to the Planning Commission for further consideration. Upon approval, the Zoning Map shall be amended to reflect the supplemental designation PUD, and the application shall

be authorized to process a subdivision plat incorporating the provisions of the outline development plan.

b. Planned Unit Development Subdivision Plat. A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition, to the requirements of the Subdivision Regulations, shall include:

(1) Details as to the location of uses and street arrangement.

(2) Provisions for the ownership and maintenance of the common open space as will reasonable insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Town Council.

(3) Such covenants as will reasonable insure the continued compliance with the approved outline development plan. In order that the public interest may be protected, the Town of Okeene shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants shall provide that the Town of Okeene may enforce compliance therewith.

7. Issuance of Building Permits. No building permits shall be issued on lands within the PUD except in accordance with the approved subdivision plat filed on record with the County Clerk. A building permit for a free-standing or separate commercial structure shall not be issued until building permits have been issued for at least one-half (½) of the number of dwelling units on which the authorization of the commercial use is based, provided, however, that in the case of a PUD providing for more than six hundred (600) dwelling units the Town may permit a portion of the proposed commercial development to be constructed prior to the construction of one-half (½) of the dwelling units where such improvements bear a reasonable relationship between the number of living units and the staging of a commercial development and said relationship is so stated and contained in the approved outline development plant.

8. Amendments. Minor changes in the platted PUD may be authorized by the Planning Commission upon a review of a proposed amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outlined development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require formal abandonment and the subsequent filing of a new application for Planned Unit Development.

Section 12-231 APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT

1. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

2. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be uses primarily for nonresidential purposes.

Section 12-232 OPEN SPACE

The following requirements are intended to provide exceptions or qualify and supplement as the case may be. The specific district regulation set forth in Section 12-215 through 12-225 herein:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.

2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, or hedges in residential districts may be erected in any required yard, or along the edge of any yard provided that no fence, wall or hedge located in front of the building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height.

3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by

measuring fifty (50) feet back from the centerline of the street easement.

4. No dwelling shall be erected on a lot, which does not abut on at least one (1) street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of the main dwelling if there is compliance with all other provisions of this article. Accessory buildings, which are not a part of the main building may be built in the rear yard, but shall not cover more than thirty percent (30%) of the rear yard.

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this article that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

7. An attached or detached private garage, which faces on a street not be located closer than twenty-five (25) feet to the street easement line.

8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

9. Whenever one (1) or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned

so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

Section 12-233 HEIGHT

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth herein:

1. In measuring heights, a habitable basement or attic shall e counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district of the minimum depth of rear yards and the minimum width of the side yards which the height of such public or semi-public structure exceeds the prescribed height limit.

Section 12-234 GROUP HOUSING PROJECTS

In the case of a housing project consisting of group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this article to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use on higher and a standard of open space at least as high as required by this article in the district in which the proposed project is to be located. In no case shall a use or building height or density or population be permitted which is less than the requirement of the district in which the housing project is to be located.

Section 12-235 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot occupied by a dwelling or on any lot in the Residential District except in accordance with the following provisions:

1. No more than one commercial vehicle, which does not exceed one and one-half (1 ½) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

2. No more than one (1) camping or travel l\trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the Town of Okeene.

3. A mobile home shall be parked or stored only in a trailer court, which is in conformity with the ordinances of the Town of Okeene.

Section 12-236 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

Section 12-237 ANIMALS

Animals in any district shall be kept only in accordance with the ordinances of the Town of Okeene.

Section 12-238 STORAGE OF LIQUEFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the Town of Okeene and the regulations of

the Liquefied Petroleum Gas Administration of the State of Oklahoma.

Section 12-239 TRAILER PARK REGULATIONS

Travel trailer parks and mobile home parks shall be constructed in accordance with the requirements of Chapter 12 of the ordinances of the Town on Okeene.

Section 12-240 PARKING, LOADING, AND ACCESS

1. General. These regulations provide that adequate parking, loading, and maneuvering facilities shall be a part of all land uses within the city. They establish standards and review procedures intended to assure that the demand created by each land use will be satisfied by facilities, which are functionally adequate and aesthetically pleasing.

    a. Off-Street Parking and Loading Required. Permanent off-street parking and loading area in the amount specified by this section for each use shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased, in the amount required for the enlargement or increase in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one type of use or occupancy to another.

    b. Use of Public Right-of-Way Prohibited. No portion of any required off-street space shall occupy or use any public street, right-of-way, alley, or other public property. Parking spaces which use any street or public right-of-way as a direct means of access without the intermediate use of service aisles and entrances of at least the minimum standards specified by this section shall be prohibited. A public alley shall be the only public right-of-way area permitted for maneuvering space to reach a required parking stall.

    c. Minimum Standards and Property Owner Responsibility. The standards contained herein represent minimum requirements. It shall be the responsibility of the property owner to certify at the time he applies for a building permit that his plan is sufficient to provide sufficient spaces and facilities necessary to assure that no activity will take place on public streets or property not under his control. Any use developed after March 1, 1997, which fails to provide for its off-street parking,

loading and access needs according to this provision shall be in violation of this chapter. Upon determination by the Town Inspector that a property owner has not provided adequate parking or loading space to serve his operation, said property owner shall be required to either develop additional parking or loading space or reduce the size of the operation to fit the space available.

d. Ownership or Control. The land on which the off-street parking or loading facility is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

e. Approval Procedure for Off-Street Parking, Loading, and Access.

(1) New Construction or Remodeling. No building permit shall be approved until a plan has been reviewed and approved by the Town Inspector as a part of the building and site plan review process. No certificate of occupancy shall be issued until all off-street parking and loading facilities have been constructed in accordance with the approved building permit.

(2) Plan and Information Required. The applicant for a building permit for a new construction, expansion, or remodeling shall submit a plan showing the number, location, and size of parking space. The applicant shall submit information regarding the projected number of employees, seating capacities, gross floor area, gross leasable area, number of dwelling units, and any other appropriate data necessary to verify compliance with these regulations.

(3) Plans for Surfacing of Parking Areas. Plans for surfacing of all off-street parking areas, aisles, and access driveways, including detailed drainage plans, shall be reviewed and approved by the Town Inspector for compliance with Town specifications.

f. Interpretation and Appeal. If questions of interpretation or application of these requirements to particular uses or structures arise, the Planning and Zoning Commission shall, based on findings on fact, make a determination of the off-street parking, loading, or

access requirements. Any aggrieved property owner may appeal such determination under the administrative appeal procedure specified in this chapter.

2. Off-Street Parking Standards:

a. Remote Paring Permitted. If the off-street parking space required by this chapter cannot be reasonable provided on the same lot on which the principal use is located, such space may be provided through grant of a special condition by the Planning and Zoning Commission with the final approval of the Okeene Town Council.

b. Joint Parking Facilities. The required parking space for any number of separated uses may be combined in a joint parking facility. See Section 12-243.

c. Parking Area Construction Standards:

(1) Paving. All off-street parking areas, aisles and access driveways shall be permanently paved with hard-surfaced pavement. All portions of access driveways on public right-of-way connected to paved streets for which the grade has been established must be permanently paved with hard-surfaced pavement and comply with all Okeene Town codes relating to driveway construction. Permanent hard-surfaces pavement shall mean a surface covering over earth, gravel, or other natural or artificial base of foundation which shall meet or exceed the following minimum standards.

(a) Two inches of hot asphalt concrete on a four-inch base of stabilized aggregate or the equivalent thereto, which has been approved by the Town Inspector; or

(b) Four inches of Portland cement concrete on a two-inch sand cushion or the equivalent thereto, which has been approved by the Town Inspector; or

(c) All portions of access driveways on public right-of-way: Six inches of Portland cement concrete on a two-inch sand cushion or the equivalent thereto, which has been approved by the Town Inspector: except in R-1 and R-2 Districts, four inches of Portland cement

concrete on a two-inch sand cushion or the equivalent thereto, which has been approved by the Town Inspector.

(2) Striping. Off-street parking areas shall be designed to provide systematic and orderly circulation, traffic separation devices and parking spaces in accordance with this section and with sound traffic engineering practices.

(a) All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping, which provides a permanent delineation between spaces, aisles, and surrounding structures and land.

(b) No striping shall be required on lots having only single-family, duplex, triplex, or fourplex residential structures.

(3) Separation for Public Right-of-Way. All off-street parking areas, aisles, and access driveways that abut public street right-of-way shall be separated by a six inch Portland cement concrete header curb, bumper, or landscape timbers and shall be designed so that vehicles do not overhang public right-of-way or adjacent property.

d. Handicapped Parking:

(1) Parking spaces for vehicles with handicapped drivers shall be provided in accordance with the CABO ANSII 117 code. Said spaces shall be included in the computation of required spaces as specified by this section.

e. Specific Parking Requirements.

(1) List of Specific Standards: Section 12-245 lists al use units which are included in this chapter. Each use unit has a specific parking standard, which shall be met. In certain uses where a use unit has no specific standard determined in advance by these regulation, the Planning and Zoning Commission shall make a determination of need after review of the site plan.

Section 12-241 REQUIRED OPEN SPACE

1. Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduces or encroached upon in any matter.

2. The area required for off-street parking shall be in addition to the yard areas herein required; and further provided that the front yard required in a Residential District may be for the uncovered parking area for four (4) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions.

Section 12-242 LOCATION

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

Section 12-243 JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

Section 12-244 SIZE OF OFF-STREET PARKING SPACE

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) by twenty (20) feet plus adequate area for ingress and egress.

Section 12-245 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED

Off-street parking and loading facilities shall be provided in all Districts in accordance with the following schedule.

1. Dwelling, single-family or duplex. Two (2) parking spaces for each separate dwelling unit within the structure.

2. Dwelling, multiple-family. The number of spaces provided shall not be less than two (2) times the number of units in the dwelling.

3. Boarding or rooming house or hotel. One (1) parking space for each two (2) guests provide overnight accommodations.

4. Hotel or Motel. One (1) parking space for each room plus one (1) parking space for each office employee.

5. Hospitals. One (1) space for each four (4) patients beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for parking of emergency vehicles.

6. Medical or dental clinics or offices. Six (6) spaces per doctor plus one (1) space for each employee.

7. Sanatoriums, convalescent or nursing homes. One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each employee.

8. Community center, theater, auditorium, church sanctuary. One (1) parking space for each four (4) seats, based on maximum seating capacity.

9. Convention hall, lodge, club, library, or museum. One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

10. Place of amusement or recreation. One (1) parking space for each two (2) persons based on maximum occupancy load permitted.

11. Office building. One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service, plus one (1) parking space for each employee.

12. Restaurants and cafeterias. One (1) parking space for each two (2) seats based on maximum seating capacity, plus one (1) parking space for each employee per shift.

13. Commercial establishments not otherwise classified. One (1) parking space for each one hundred eighty (180) square feet of floor space used for retail trade in the building and including all area used by the public, for the first 12, 000

square feet; for 12, 001 to 48,000 square feet, one (1) parking space for each two hundred (200) square feet; over 48,000 square feet, one (1) parking space for each two hundred fifty (250) square feet

14. Industrial establishments. Adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment plus one (1) parking space for each employee.

15. Warehouse and mini-storage. One (1) parking space for each one thousand (1,000) square feet of gross floor area.

Section 12-246 RESERVED

Section 12-247 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS

Whenever off-street parking lots for more than four vehicles are to be located within or adjacent to the residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the Residential District shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.

2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.

3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.

4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five 925) feet in width, exclusive of curb returns.

5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

6. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting signs shall be permitted.

Section 12-248 NONCONFORMING BUILDINGS AND STRUCTURES

A nonconforming building or structure existing at the time of adoption of this Chapter may be continued, maintained and repaired, except as otherwise provided in this section.

1. Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all the regulations of the district in which it is located.

2. Outdoor Advertising signs and Structures. Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this Ordinance became effective, which does not conform with the provisions hereof, shall not be structurally altered and all nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Ordinance.

3. Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not hereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

4. Change in Use. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other

portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure maybe occupied by a use for which the building or structure was designed or intended in occupied within a period of one (1) year the effective date of the is Chapter, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of more restricted district classification it thereafter shall not be changed to a use of less restricted district classifications; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this Chapter, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

Section 12-249 NONCONFORMING USES OF LAND

A nonconforming use of land where the aggregate value of all permanent buildings or structures is less than one thousand dollars ($1.000), existing at the time of adoption of this Chapter may be continued for a period of not more than three (3) years there from, provided that:

1. Said nonconforming use may not be extended nor shall it occupy more area than was in use on the effective date of this Chapter.

2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

Section 12-250 RESERVED

Section 12-251 PROCEDURE FOR AUTHORIZING CONDITIONAL USES PERMITTED ON REVIEW

The uses listed under the various districts herein as "Conditional Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. Unlike unconditional uses in a district, a condition use is not automatically available to a property owner, who must first obtain a permit for the use. The following procedure is established to integrate property the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

1. An application together with a file fee shall be filed with the Town Planning Commission for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) fee, and any other material pertinent to the request which the Planning Commission may require.

2. After the application for a conditional use has been filed with the Town of Okeene, a preliminary review is to be conducted by the town administrative staff and building official.

3. The Town Planning Commission shall hold one or more public hearings thereon.

4. Permit conditions:

   The requested conditional use shall meet all the following conditions as when considered by the planning commission:

   a. The uses conforms to conditions listed in the zoning district requirements;

   b. The proposed use is not injurious to present use of the land nor prevents enjoyment of uses already permitted;

   c. The change should not impede normal and orderly development or improvement of surrounding property;

   d. Adequate utilities, access roads, drainage, and other necessary facilities are provided;

e. Sufficient off-street parking and loading space are available:

f. The conditional use does not create a nuisance (odors, fumes, dust, noise, etc.) in the area.

g. Necessary license or permit from any other regulatory or governmental entity has been obtained.

h. The permit is subject to periodic review by the Town of Okeene.

i. If not used, conditional use permits are void after one year.

j. The permit is not transferable from one applicant to another, so that a change in possession of the property terminates a permit. A new permit must be obtained by any subsequent application, who can satisfy the permit condition.

5. The Planning Commission shall within forty-five (45) days of the date of application, transmit to the Town Council its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning use thereon. Thereupon the Town Council may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

Section 12-252 Power-Generation Tower or Structure; Height Limitation and other Rules; Placement of Solar Panels.

Notwithstanding any provision in this municipal code to the contrary, this section shall apply throughout the corporate limits of the Town of Okeene and in every zoning district contained therein:

A. DEFINITION. For purpose of this section, the following words shall have the meaning ascribed to it:

Power-Generation Tower or Structure shall mean any tower or structure constructed, erected or set up upon the ground or attached to something having a permanent location on the ground, the purpose of which is to generate and supply power, through the assistance of a renewable energy source, to be utilized by an existing principal residential or nonresidential use of the

property on which it is situated. A power-generation structure shall be deemed to include all structural and mechanical components thereof. Nothing herein shall be construed or deemed to authorize the construction or use of any such tower or structure in the absence of compliance with any applicable ordinances, building or electrical codes, tariffs, contracts, utility regulations or State or Federal requirements or statutes of any nature.

B. Power-Generation Towers Or Structures may not exceed the height limitation of the district in which located, and in addition shall be placed in such manner that there shall be a distance from the base of the tower or structure to all property lines greater than the height of the tower or structure as measured from the base thereof to its highest point, to include height added by any blade in a vertical position if the power-generation tower or structure is wind-motivated, so that should said tower topple over it shall come to rest wholly within the confines of the property on which it is placed. All such towers and structures may not be attached or affixed to any residential structures.

C. The owner of the property upon which any Power-Generating Tower Or Structure is proposed, shall provide to the Town written authorization giving Town employees the right to enter the subject property whenever deemed necessary by the Town for the purpose of inspection of the structure, its supports and components for structural stability and integrity; provided, that any such right-to-enter shall not be deemed to relieve the owner of any of his duties under law, nor shall it be deemed to impose upon the Town any obligations under law not existing prior to the execution of any such right-to-enter.

D. Solar panels may be placed on roofs of structures of the owners using the electric power generated, pursuant to the permitting process provided in subsection E and relevant resolutions of the town or its authority, and no solar panels shall be erected on empty lots (solar farms) or on the front or side yards of any lot visible from the street.

E. no Power-Generating Tower or Structure or Solar Panel shall be placed within the Town of Okeene without filling out the application at town hall permitting its erection and placement and full compliance with this section and all other provisions contained in this municipal code. The permit fee shall be One Hundred Dollars ($100.00).

Note: Approved by Ordinance 2017-2 and passed on 14th day of February 2017.

DIVISION 3

ENFORCEMENT AND ADMINISTRATION

Section 12-301 DUTY OF ZONING ADMINISTRATOR.

It shall be the duty of the zoning administrator to enforce this chapter. If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

Section 12-302 ZONING CLEARANCE PERMIT PURPOSE.

The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning chapter. It is not a building permit and does not authorize construction; it certifies that the land or structure is in conformance with the terms of this zoning chapter.

Section 12-303 NEW CONSTRUCTION.

No building or other structure shall be erected, moved, constructed, enlarged or altered in such manner as to prolong the life of the building nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing such construction, alteration, erection, moving, or enlargement, or use changes as being in compliance with the provisions of this chapter. No building permit shall be issued for any new construction not conforming to a valid zoning clearance permit.

Section 12-304 CHANGE IN USE OF LAND OR BUILDING.

No change shall be made in the use of any land or building or structure after the passage of this chapter until a zoning clearance permit has been obtained, certifying that all the provisions of this chapter have been complied with.

Section 12-305 APPLICATION.

An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and the application shall

state the location and legal description of the property and set out in detail the character and nature of the use to be conducted thereon. Within seven (7) days, the zoning administrator shall grant or deny the zoning clearance permit in accordance with the terms of this section.

Section 12-306 ACCOMPANYING MATERIAL.

All applications for zoning clearance permits shall be accompanied by a drawing drawn to reasonably describe the addition or improvement on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations. If there is to be an alteration in topography a plat plan is required to be furnished.

Section 12-307 FEES.

Zoning clearance permits shall be issued without charge.

Section 12-308 EXPENSES

Any person requesting a Zoning Amendment or Change or Conditional Use or other zoning or planning related request shall pay an application fee of One Hundred Dollars ($100.00) to be used to defray any associated expenses such as postage for notice to property owners within the 300' radius as required and all publication costs. The applicant shall further submit with its application a certified abstractor, registered professional engineer or a registered surveyor's list of the names of all property owners within a three hundred foot (300') radius of the exterior boundary of the territory on which the applicant seeks the amendment or change or conditional use. The City will provide the stationary, labor, required notices, mailing and publication.

Section 12-309 VIOLATIONS AND PENALTIES.

A violation of this chapter shall be deemed a violation of the code of the Town, and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

DIVISION 4

AMENDMENTS

Section 12-401 PLANNING COMMISSION RECOMMENDATION REQUIRED.

The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the Board of Trustees a report and recommendation on the proposed change.

Section 12-402 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. The applicant shall pay the fee as set out in this Code and shall further pay any and all costs of publication.

Section 12-403 NOTICE AND PUBLIC HEARING.

A. Parties in interest and citizens shall have an opportunity to be heard at a public hearing before the planning commission on any application, and before any district regulation, restriction, or boundary shall become effective. Upon receipt of an application, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. At least fifteen (15) days notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the Town. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area.

B. Except as authorized in subsection C of this section, in addition to the notice requirements provided for in subsection A hereinabove, a notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection C of this section, shall be given twenty (20) days prior to the hearing by mailing written notices by the secretary of the planning commission, to all the owners of real property within a three hundred (300) feet radius of the exterior boundary of the territory contained in the application. The application submitted by the applicant shall contain a certified abstractor's, registered

professional engineer's or registered land surveyor's list of the names of all property owners within such area; no application shall be accepted without such list. The applicant shall also pay the Re-zoning Application Fee as provided by resolution of the Town or the fee schedule. The notice shall contain the following:

1. Legal description of the property and the street address or approximate location of the municipality;

2. Present zoning of the property and the zoning sought by the applicant; and

3. Date, time and place of the public hearing.

Additional notice shall also be given by posting the notice of the hearing on the affected property at least twenty (20) days before the date of the hearing.

C. If the planning commission or the Town proposes reclassification in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to flood plains, drainage, historic preservation, and blighted areas, the planning commission or Mayor and board of Trustees shall require, in addition to the notice requirements provided for in subsection A hereinabove, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

1. The date, time and place of the public hearing;

2. Who will conduct the public hearing;

3. The desired zoning classification;

4. The proposed use of the property; and

5. Other information as may be necessary to provide adequate and timely public notice.

D. In considering a zoning change, the planning commission shall evaluate the following criteria:

1. Is there a public need for additional land space to be rezoned as requested?

2. Is there an alternative area for the use requested that would eliminate the need for rezoning?

3. If a public need exists, should rezoning be done in the area requested or would the public interest be better served if rezoning was done in other areas?

4. Would granting rezoning request conform to the present future land use plans of the city?

5. Would granting the request adversely affect the property values of adjacent land owners?

6. Would the request impose undue hardships such as noise, neon sign, odors, or other nuisances on adjacent land owners?

7. If the request granted, would necessary utilities be available?

8. If granted, when additional public services would be required?

9. Would the fiscal impact of the requested rezoning have an adverse affect upon the city's budget (capital and operating); that is, would added costs exceed anticipated revenues?

10. Was there an error or oversight in preparing the original zoning map which indicates that the zoning requested should have been included then?

11. Is this change really needed by the public or is it merely a convenience to the owner?

E. In addition to the notices required by Subsections A, B and C hereinabove, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or non-medical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. For purposes of this subsection, "entity" means any

individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Section 12-404 PLANNING COMMISSION ACTION.

A. After notice and public hearing, the planning commission shall vote to:

1. Recommend to the Board of Trustees that the application be approved as submitted, or as amended, or be approved subject to modification; or

2. Recommend to the Board of Trustees that the application be denied.

B. An application recommended for approval, or approval subject to modification, shall be transmitted to the Town with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.

C. An application recommended for denial shall not be considered further unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the Board of Trustees for a hearing. Upon notice of such request, the planning commission shall forthwith transmit the application and its report and recommendation to the Board of Trustees. There shall be no fee charged the applicant for the hearing.

Section 12-405 TOWN ACTION.

The Board of Trustees shall hold a hearing on each application regularly transmitted, and on each application which has been transmitted pursuant to an appeal as provided for in Section 12-403. The Board of Trustees shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the Town planning commission for further study.

Section 12-406 PROTEST TO AMENDMENT.

A. Protests against the proposed changes in regulations, restrictions and district boundaries in the Town shall be filed at

least three (3) days before the date of the public hearing before the Mayor and Board of Trustees. If protests are filed by:

1. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or

2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the Board of Trustees.

DIVISION 5

SUBDIVISION REGULATIONS

SECTION 12-501 PURPOSE

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine, to a large degree, the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage. transportation. public utilities and other needs, and to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administered in a manner to:

1. Provide neighborhood conservation and prevent the development of slums and blight

2. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.

3. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements

which primarily benefit the whole community be borne by the whole community.

4. Provide the best possible design for the tract.

5. Reconcile any differences of interest.

6. Establish adequate and accurate records of land subdivision.

Section 12-502 AUTHORITY

These subdivision regulations and minimum standards for land development are pursuant to the authority granted in Title 11. Sections 45-101 to 45-105, Oklahoma Statutes, as amended thereof.

Section 12-503 JURISDICTION; AREA OF APPLICATION

These regulations shall apply to the incorporated area of the Town of Okeene, in so far as they have been adopted by the Planning Commission and approved by the Town Council.

Section 12-504 APPLICATION TO TYPES OF SUBDIVIDING

These regulations and development standards shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided shall contain less than five (5) acres in area; or

2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels of less than five (5) acres in area; or

3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including these for use by public and private utility companies; or

4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

Section 12-505 DEFINITIONS

For the purpose of these regulations, certain terms used herein are defined as follows:

1. Alley. A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back side or properties otherwise abutting a street, and which may be used for public utility purposes.

2. Block. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land or drainage channels, or combination thereof.

3. Building Line or Setback Line. A line or lines designating the area outside of which buildings may not be erected.

4. Town of Okeene, Oklahoma.

5. Town Council. The Okeene Town Council.

6. Easement. A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

7. General Plan. The comprehensive development plan for the Okeene area which has been official adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use. land subdivision. circulation and community facilities.

8. Lot. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

9. Lot, Corner. A lot located at the intersection and abutting on two (2) or more streets.

10. Lot, Double Frontage. A lot which runs through a block from street to street and which as tow (2) nonintersecting sides abutting on two (2) or more streets.

11. Lot, Reverse Frontage. A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

12. Planning Commission. The Okeene Planning Commission.

13. Plat. Preliminary. A map of a proposed land subdivisions showing the character and proposed layout of the tract in

sufficient detail to indicate the suitability of the proposed subdivision of land.

14. Plat, Final. A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances; and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

15. Street. Any public or private right-of-way which affords the primary means of access to abutting property.

16. Street, Major. An arterial street which is designated on the major street plan or expressway plan.

17. Street, Minor. A street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged.

18. Street, Collector. A minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

19. Street, Cul-de-Sac. A minor street having one end open to vehicular traffic and having one closed end terminated by a turn around.

20. Street, Frontage or Service. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

21. Subdivider. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

22. Subdivisions. The division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development or the dedication or vacation of a public or private right-of-way or easement.

Section 12-506 GENERAL PROCEDURE; PLAT APPROVAL

For all cases of subdividing within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the planning commission for approval or disapproval. All subdivisions located within the corporate limits of the city shall then be submitted to the town council for acceptance of public streets, alleys, and areas dedicated to public use.

Section 12-507 OFFICIAL RECORDING

No plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been approved by the planning commission and by the town council as hereinafter set forth. All final plats shall be filed within one (1) year of date of approval by the planning commission, and no lots shall be sold from any plat until approved by the planning commission and the town council. Failure to record the plat within (2) years of the date of planning commission or town council approval, whichever is the later, shall void all approvals thereto.

Section 12-508 AGENDA

Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all requirements may be submitted providing the subdivider present with the plat a written request for specific exceptions an enumerates in detail the reasons therefor.

Section 12-509 EXEMPTIONS, WATER RIGHTS, AND WATER WELL SITES

1. Exemptions. Plats containing four (4) lots or fewer may be exempted from the provisions of all or part of procedural provisions contained in Section 12-501 of these regulations upon written approval of the planning commission; but such exemption shall not change or diminish the requirements relating to design or to improvements or to other provisions of these regulations.

2. Water Wells. Water wells must have prior approval of the planning commission and town council

Section 12-510 URBAN DESIGN PRINCIPLES

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles;

1. It is intended that the urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities.

2. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping, off street parking and loading facilities.

3. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual tress should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

4. Circulation within the urban area shall be provided in accordance with the following design criteria

    a. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan. Arterial streets should be located on the perimeter of the residential neighborhood.

    b. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and with industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routs.

    c. Collector streets should be designed to provide a direct route from the other minor streets to the major street system.

    d. Ingress and egress to residential properties should be provided only on minor streets.

5. Minimum standards for development are contained in the zoning regulations, the building code and these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of urban development. If only the minimum standards are followed, as expressed by the various regulations affecting land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the

general plan and in these regulations rather than be limited to the minimum standards required herein.

Section 12-511 SUBDIVISION DESIGN STANDARDS

1. Streets. The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions;

   a. Major streets shall be planned to conform with the major street plan.

   b. Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as my be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.

   c. Minor streets shall be laid out so that their use by arterial traffic will be discouraged.

   d. Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures.

   e. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the planning commission.

   f. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion may be required by the planning commission.

   g. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of

future streets and appropriate re-subdivision with provision for adequate utility easements.

h. Street right-of-way widths shall be in accordance with the major street plan and, where not designated therein, shall be not less than the following:

Major Streets
Primacy with median 80 feet
Primary without median 80 feet Secondary with or without median 80 feet

Minor Streets
Collector 60 feet
Minor 50 feet
Cul-de-sac 40 feet radius

The grades of all streets shall not exceed the following, except where unusual topographic conditions justify in the opinion of the planning commission, a modification of these standards:

Major Streets
Primary 5 percent
Secondary 5 percent
Minor Streets 5 percent No streets shall be less than 0.3 percent

i. The paved width of all streets shall be adequate to serve the existing and future terminated traffic load for the facility. Lane widths for all streets shall be as follows:

ii. All major streets shall have lanes for traffic movement of ten (10) feet in width and lanes for parallel parking of not less than six (6) feet in width.

iii All minor street shall have lanes for traffic movement of ten (10) feet in width and lanes for parallel parking of not less than six (6) feet in width.

i. A cul-de-sac should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn around. If a cul-de-sac is more than one hundred fifty (150) feet in length it shall be provided with a turn around having a radius of not less than forty (40)

feet at the property line and not less than forty (40) feet at the curb line. There shall be provided in the center of the turn around an unpaved island, which has a radius of not less than twelve (12) feet or more than sixteen (16) feet. No islands shall be permitted in cul-de-sacs.

j. Half streets shall be prohibited except where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

k. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.

l. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.

m. Streets serving commercial areas shall have rights-of-way not less than 60 feet with a paved width not less than 40 feet.

n. Streets serving industrial areas shall have rights-of-way not less than 80 feet with a paved width not less than 50 feet.

2. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

b. Alleys serving commercial and industrial areas shall not be less than twenty (20) feet in width.

c. Alleys shall be required for residential areas and they shall be not less than twenty (20) feet in width.

d. Alley intersections and sharp changes in alignment shall be avoided, but where necessary they shall be provided with adequate turn around facilities at the dead-end as determined by the planning commission.

3. Easements.

a. Where alleys are not provided, easements not less than ten (10) feet wide shall be provided where possible along rear lot lines and along side lot lines where necessary, for use by public and private utilities. Alleys and easements shall not be fenced in. The planning commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

b. Where a subdivision is traversed by a water course, drainage channel or stream, which drains forty (4) acres or more of land, there shall be provided a right-of way for drainage and public parks and utility purposes, adequate to contain all of the runoff from a fifty year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation which shall be calculated to provide for, the drainage requirements of the ordinances and regulations relating thereto.

4. Public Areas and Open Spaces. Public parks, playgrounds, school sites, and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the General Plan and in the ordinances and regulations relating thereto.

5. Public Park Land Dedication.

a. Applicability. This section shall apply to all residential subdivision plats having a dwelling unit density of greater than one unit per acre, and/or the owners or applicants for approval thereof. Anything herein to the contrary notwithstanding, all final plats submitted to the City from and after the adoption of this policy shall meet the requirements of this article, regardless of whether the preliminary plat has been approved before or after the adoption of this policy.

b. Dedication of Land. All persons, firms or corporations subdividing land under provisions of the code of the Town of Okeene for residential purposes within the boundaries of said Town shall, prior to the recording of their respective final plan and subject to the other provisions hereinafter following:

(1) dedicate land to be used solely and exclusively for public park and recreation purposes or

(2) make an equivalent monetary contribution based upon a value of the land required to be dedicate, in lieu of the actual transfer of land. Whether or not land or money shall be given over to the Town shall be at the sole option of the Town Council of Okeene.

c. Reservation of Future Public Park and Recreation Sites. The Okeene Planning Commission shall participate in the design of neighborhood master plans in order to approve proposed public park and recreation land sites. Future public park and recreation sites as designated in the approved neighborhood master plans or as approved by the planning commission shall be delineated on the preliminary plat and reserved for dedication or purchase. A preliminary plat shall not be placed on a planning commission agenda until such plat has been received and reviewed by the town staff for public park dedication requirements. Uses permitted in said "Park Land" category shall be limited to public parks and recreational areas; provided, however, that the grazing of animals and growing of crops may be permitted prior to dedication to the town.

d. Standards for Determining Amount of Land and/or Monetary Contribution.

(1) The acreage to be contributed prior to the final approval by the town council of any residential subdivision plat shall be determined by the following formula;

(2 acres) X (Each 1,000 persons projected to occupy the fully developed subdivision) = (Amount of land to be contributed)WHICH IS

(.002 acres) X (no. persons per dwelling unit) X no. dwelling units projected for subdivision) = (Amount of land to be contributed)

(2) In determining the number of persons projected to occupy a subdivision the City Manager in consultation with the planning commission is authorized and directed to make such projections utilizing the following table;

Zoning District	Number Persons per Dwelling Unit	Number Dwelling Units per Gross Acre of Subdivision
R-1	3.26	5 or no lots platted if shown
R-2	1.64	8
R-3	1.64	18

The standards provided in the table shall be used for calculating the number of persons per dwelling unit and the number of dwelling units projected for a subdivision. Standards for the number of persons per dwelling unit shall be based upon the most recent Federal Decennial Census.

In those instances where the formula used above show that less than one thousand (1.000) persons will ultimately occupy any given subdivision as reflected by the preliminary plat submitted for approval, the planning commission shall review said plat and promptly recommend whether land or money should be required subdivider. Such recommendations may be appealed to by the subdivider.

(a) If the public park land is to be required, then that amount of land determined by subsections (a) and (b) of this section shall be reserved and delineated on the final plat in a location approved by the planning commission and the appropriate portion thereof (as determined by the above formula) shall be dedicated or conveyed to the town at the time of recording of the final plat.

(b) If a fee in lieu of a land contribution is required, the amount of fee shall be determined at the time of final platting, according to the following formula:

(Fair market value of land per acre) X (Amount of land required, the amount of fee shall be

determined at the time of final platting, according to the following formula:

The subdivider shall tender and pay over to the town a cashier's check for said fee immediately prior to recoding the final plat.

i. Time of determining the value of land. The fair market value of the land shall be determined no more than six (6) months before submission of the final plat to the town council.

ii Basis for determining the value of land. The representative cash value of the land that would otherwise be required to be dedicated shall be the full and fair market value of the raw land plus a proper-share of those incidental costs as defined which would be attached to a subdivider in those cases were land itself was given.

ii Method of determining value of land. The fair market value shall be determined by negotiations between the subdivider and the city. If negotiations have failed to reach agreement by the time the final plat is submitted, then within five (5) days an Appraisal Board shall be appointed to determine the fair market value, whose appraisal shall be final and binding on both parties. The Appraisal Board shall consist of three qualified real estate appraisers, one selected by the city, one selected by the subdivider, and one selected by the chosen appraisers. The appraiser; fee shall be paid jointly by the city and the subdivider. Within ten (10) days, the Appraisal Board shall tender a report of the fair market value of the land as of the date the Appraisal Board was appointed and its report shall be binding upon all parties

iii In such case as the town council, upon the recommendation of the planning commissioners, shall determine, a subdivider may dedicate more land than would be required by the formulas herein set out and receive a written

credit against future mandatory public park land dedications. Where a subdivider dedicates land against future requirements, the development which is thereby relieved of all or part of its mandatory park land dedication requirement must be in the same general areas that served by the dedicated credit land, such general area to be at the city's sole determination. The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof.

iv In the event of a subdivider deviates from the approved preliminary plat in final platting or rezones land within the preliminary plat which has the effect of increasing the density of population over the earlier population density estimates made under this article or where the use of property is changed form nonresidential use to a residential use the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increase in population prior to the city issuing a building permit or occupancy.

e. Suitability of Land.

Any land to be dedicated to meet the requirements of this article shall be reasonably located and adaptable for use as an active neighborhood public park and recreation facility. Such determination shall be made by the planning commissioners, whose decision may be appealed to the town council. Factors to be used in evaluating the adequacy of the proposed public park and recreation areas include, but are not limited to, the following:

(1) Shape: The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes.

(2) Access: Public access to public park land delineated on a preliminary plat shall be insured by provision of at least fifty (50) feet of street frontage, in a manner satisfactory to the Planning Commission.

(3) Unity: The dedicated land should form a single parcel or tract of land at least two (2) acres in size unless the Planning Commission determine that a smaller tract would be in the public interest. or that additional contiguous land will be reasonably available for dedication to or purchase by the town. At the time the land abutting the delineated areas is developed the subdivider of such abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated area to meet minimum requirements as determined by the Public Works Department of Okeene.

(4) Topography: The land to be dedicated to meet the requirement of this article should be suitable for public parks and recreation activities. In that regard fifty percent (50%) of the dedicated land area should not exceed five percent (5%) grade. The Comprehensive Plan for the Town of Okeene shall be considered when evaluating land proposals for dedication.

f. Use of Money Paid in Lieu of Dedication of Land.

g. A separate fund to be deposited at the highest interest rate permitted by law to be entitled "Park Fee Fund" shall be and is hereby created and the money paid in by owners, subdividers, and applicants at final approval of subdivision plats in lieu of the dedication of land and interest thereon, shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing public park and recreational land in the general area in which the subdivision is located.

(1) At such time as the town council, based upon the recommendations of the planning commission, determines that there are sufficient funds derived from a certain area in the Park Fee Fund to purchase usable park land, the Town Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination for the purchase of said site, the conditions of section (e) above shall be taken into consideration. The principal and interest deposited and kept in the Park Fee Fund shall be used solely for the purpose of purchasing land for public park and recreation uses, and shall never

be used for improving, maintaining or operating public park facilities, or for any other purposes. Land accepted for dedication under the requirements of this article shall be conveyed by either of the following methods:

(2) By dedication with the plat to be filed for record in the Office of the County Clerk of Blaine County. Oklahoma; or

(3) By warranty deed transferring the property in fee simple to the Town of Okeene.

(4) In any event, land must be free and clear of any mortgages or liens at the time of such dedication conveyance.

(5) Blocks

a. The lengths, widths and shapes of blocks shall be determined with due regard for the following:

b. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

c. Zoning requirements as to lot size's and dimensions.

d. Needs for convenient access, circulation, control and safety of street traffic.

(6) Limitations and opportunities of topography.

a. Blocks for residential use should not be longer than eighteen hundred (1800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the planning commission may require a dedicated easement not less than fifteen(15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

b. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance of off-street parking and loading facilities.

(7) Lots

a. Residential lots shall be not less than fifty (50) feet in width at the front building line and shall abut a street at distance of not less than thirty (30) feet; except that a corner lot shall be not less than sixty (60) feet in width at the front building line.

b. Side lot lines should be approximately at right angles or radical to street lines.

c. The depth of residential lots should not be less than ninety (90) feet.

d. The area of residential lots should be not less than five thousand (5,000) square feet.

e. In residential subdivisions where septic tanks or individual sewage disposal devices are to be installed, the area of the lot will meet the requirements by the state health department and DEQ, and the width of the lot at the front building line shall be not less than one hundred (100) feet.

f. Lots are not required for subdivision for commercial and industrial use, but when provided they should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

g. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet in width shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

(8) Building Lines. Building lines shall be provided for all residential subdivisions as follows:

a. A front building line shall be located at least twenty-five (25) feet back of the street right-of-way line.

b. A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back to back with another lot and not less than twenty (20) feet back of the street right-of-way line in every other case.

c. A side yard building line shall be provided not less than five (5) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk.

d. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

(9) Neighborhood Unit Development. Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac or loop type, the planning commission may vary the requirements of this article in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community. However, in no case shall the lot area be less than six thousand (6,000) square feet for detached single-family dwellings.

Section 12-512 GENERAL PROVISIONS

All improvements shall be designed and installed in accordance with all of the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

Section 12-513 PLAN PREPARATION

Plans for the improvements herein required shall be prepared by a qualified engineer, registered in the State of Oklahoma. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the planning commission at the time of submission of the final plat. One (1) set of "as built" plans and specifications certified and signed by an engineer registered in the State of Oklahoma shall be filed with the town

clerk prior to the acceptance by the town council of any improvements installed by the subdivider.

Section 12-514 SURETY BOND

In lieu of completion of the improvements herein required, the town council may require the subdivider to file a surety bond to insure the actual construction of such improvements according to the plans and specifications filed by the planning commission within a period of time not to exceed one (1) year from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the planning commission and with surety and conditions satisfactory to the town council. In any case where the council does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside of the estimated cost is posted for the portion of the drainage or utility improvements that will protect the affected area.

Section 12-515 PERMANENT MARKERS

Each lot and block corner shall be marked with iron pipes or pins not less than one-half (½) inch in diameter and not less than eighteen (18) inches long set not less than one (1) inch below the finished grade. Minimum standard for surveyor as required by the State Board of Engineers and Land Surveyor.

Section 12-516 STREET IMPROVEMENTS

The subdivider of any subdivision to be used for residential, commercial, industrial or other purposes shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the city or the county except where the governing bodies have policies of additional assistance to the owners or developers and in accordance with the following provisions:

1. The new design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Oklahoma State Highway Department, but in no case shall the standard be less than the applicable town specifications.

2. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to

serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the planning commission.

3. All driveways which connect with public street shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways", and subsequent amendments thereto, as prepared by the Oklahoma State Highway Department.

Section 12-517 SIDEWALKS (Reserved)

Section 12-518 WATER LINES

The subdivider shall install water lines and fire hydrants in accordance with the policies and specifications governing water line construction except where the governing bodies have policies of additional assistance to owners or developers.

Section 12-519 SANITARY SEWERS AND SEPTIC TANKS

1. The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the planning commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction.

2. Any subdivisions the planning commission will require the subdivider to install sanitary sewers and a disposal system that is adequate to serve all of the lots within the subdivision.

3. Whenever the installation of a sanitary sewer is not required, septic tanks or other unit disposal systems may be used in accordance with the following provisions;

   a. A lot for residential use on which a unit disposal system is located must meet the requirements by the State Health Department and DEQ.

   b. No portion of any unit disposal system shall be located closer than twenty (20) feet to the lot line of the lot on which the system is located.

   c. All unit disposal systems shall comply with the requirements of the state and county health departments and DEQ.

Section 12-520 STORM SEWERS AND DRAINAGE

Drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

Section 12-521 MAINTENANCE AND SUPERVISION

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency; provision shall be made which is acceptable to the State Heath Department and DEQ.

Section 12-521 THE PRELIMINARY PLAT

1. General. The subdivider shall prepare a preliminary plat for submission to the planning commission along with a filing fee established by the town council of not less than fifty (50) dollars. Four (4) copies of the preliminary plat shall be submitted to the office of the planning commission not less than seven (7) days prior to the meeting at which it is to be considered.

2. Certification of Design The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat certifying that he has, to best of his ability, designed the subdivision in accordance with the General Plan, with which he is completely familiar and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.

3. Contents of Preliminary Plat. The preliminary plat shall be drawn at a scale of two hundred feet to one inch and shall contain or be accompanied by the following information:

    a. The proposed name of the subdivision.

    b. The name and address of the owner of record, of the subdivider and of the registered engineer, preparing the plat.

    c. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to, government section lines, and including

the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.

d. The scale, north point and date.

e. The names, with location of intersecting boundary lines, of adjoining subdivision and the location of city limits, if falling within or immediately adjoining the tract.

f. The land contours with vertical intervals not greater than two (2) feet referenced to a United States geological survey or coast and geodetic survey bench mark or monument.

g. The location of existing buildings, water, water courses and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided however, that actual measured distances shall not be required.

h. The length of the boundaries of the tract, measured to the nearest tenth of a foot, the proposed location and width of streets, alleys, easements and setback lines and the lot dimensions.

i. The location size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing with in or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities;

(1) Water mains

(2) Sanitary sewer mains, submains and laterals

(3) Storm sewers, culverts and drainage structures

(4) Street improvements

The location of all drainage channels and subsurface drainage structures, the proposed methods of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto whether they are located within or outside of the proposed plat.

k. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design.

4. Planning Commission. The planning commission shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If no action be taken by the planning commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved, unless stipulation for additional time is agreed to by subdivider. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chairman and shall be attached to one (1) copy of the plat and transmitted to the subdivider. The reasons for disapproval or conditional approval shall refer specifically to those parts of the general plan or specific regulations with which the plat does not conform. On conditionally approving a plat, the planning commission may require submission of a revised commission agree upon any revision, which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

Section 12-523 THE FINAL PLAT

1. Plat Preparation. A final plat neatly drawn in ink on tracing cloth or permanent plastic film thereof shall be submitted to the office of the planning commission not less than five (5) days before the planning commission meeting at which it is to be considered for final approval. At the same time there shall be submitted tow (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

2. Time of Submission. The final plat of the proposed subdivision shall be submitted to the planning commission and town council for final approval within one (1) year of the date on which the preliminary plat was approved. If not submitted for final approval within such time the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time. The final plat shall be filed in the office of the country reorder within two (2) years after approval by the planning commission and the

town council or if not filed within such time said approval shall be considered as having been voided. No construction shall be permitted until the filing and approval of the final plat.

3. Drafting. The final plat shall be drawn at a scale of at least two hundred (200) feet to the inch from an accurate survey and on streets whose dimensions are twenty-four (24) inches by thirty-six (36) inches between border lines. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half (½) inch surrounding the sheet shall be left blank at the top, bottom and right side, and there shall be a margin of two (2) inches at the left side for binding purposes.

4. Contents of the Final Plat. The final plat shall show:

   a. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

   b. The length of all required lines dimensioned in feet and decimals thereof and the value of all required true hearings and angles dimensioned in degrees and minutes as hereafter specified.

   c. The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, the location of boundary lines of adjoining lands and adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines.

   d. The lines of all proposed streets fully dimensioned by lengths and bearings or angles.

   e. The lines of all proposed streets fully dimensioned by lengths and bearings or angles.

   f. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located.

   g. The lines of all proposed lots fully dimensioned by lengths and bearings or angles; except where a lot line

meets a street line at right angles, the angle or bearing value may be omitted.

h. The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings.

i. The blocks numbered consecutively throughout the entire subdivision, the lots numbered consecutively throughout each block and with areas to be excluded from platting marked "RESERVED" or "NOT A PART".

j. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

k. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns.

l. The proper acknowledgments of owners and the consent of the mortgagee to plat restrictions.

m. The following, which shall be made and shown on the file or linen tracing: Owner's certificate and dedication, signed. Land Surveyor certificate of survey, signed and his seal.

5. Certificate for release of mortgage for any portion dedicated to the public.

Reference to any separate instruments, including restrictive covenants, filed in office of the county recorder of deeds which directly affect the land being subdivided.

Certificate of planning commission approval

6. Certificate of town council acceptance of ways, easements and public land dedications.

7. Treasurer's certificate.

A title which shall include:

(1) Name of subdivision.

(2) Name of city, county and state.

(3) Location and description of the subdivision reference to section. range and township.

8. Planning Commission Action.

a. The planning commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. This approval and the day thereof shall be shown on the plat over the signature of the planning commission chairman or secretary member. Unless stipulation for additional time is agreed to by the subdivider, and if no action is taken by the planning commission at the end of forty-five (45) days after submission, the plat shall be deemed to have been approved.

b. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not comply.

9. Town Council Action. Before recording the final plat, it shall be submitted to the town council for approval and for acceptance of public streets, alleys and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor and properly attested. The disapproval of any plat or plan by the ton council shall be deemed a refusal of the proposed dedications shown thereon.

10. Recording of Plat. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the planning commission with two (2) dark line prints thereof and one contact reproducible cloth tracing. The applicant shall file the original tracing, one dark line on cloth and one contact reproducible tracing on cloth or film with the county clerk.

SECTION 12-524 VARIATIONS AND EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise

indicated, requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of these regulations preserved. Such modification may be granted upon written request of the subdivider stating the reason(s) for each modification and may be waived by an affirmative vote of three-fourths (3/4) of the membership of the planning commission.

Section 12-525 VALIDITY

All ordinances or regulations or parts thereof which are in conflict with these regulations are hereby repealed.

Section 12-526 REPEAL

All ordinances or regulations or parts thereof which are in conflict with these regulations are hereby repealed.

Section 12-527 VIOLATION AND PENALTY

1. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any tract of land which does not comply with all of the provisions of these regulations.

2. Whoever, being the owner or agent of the owner, of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the planning commission and the town council or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less then ten (10) acres where such tract was not show of record in the office of the county clerk as separately owned at the effective date of the regulations here provided and not located within a subdivision approved according to law and filed of record in the office of the county clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the commission by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below; and such transaction shall be unlawful and shall not be recorded by the county clerk.

3. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined plus costs for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

Section 12-528 RESERVED

Section 12-529 OWNERS AND DEVELOPERS OBLIGATION

It shall be the duty and obligation of all owners or developers of additions or tracts of land within the city limits of the town of Okeene, Oklahoma, to take reasonable and necessary action to prevent the unreasonable erosion within said additions or tracts. All requirements set forth by DEQ shall be required.

Section 12-530 WASHING AND SIFTING OF SOIL ONTO STREETS AND ALLEYS

Extraordinary washing and sifting of soil onto the streets or alleys, or adjacent properties shall be deemed to be unreasonable erosion as defined herein.

Section 12-531 PUBLIC WORKS ADMINISTRATION EMPOWERED TO INSPECT

The Public Works Administration of the Town of Okeene, shall be empowered to make inspections of such situations and conditions. and direct the owner or developer as to necessary correction action, and that such order of the Public Works Administration shall be subject to review by the town council of the town upon five (5) days notice and demand by such owner or developer. Before such tract or addition shall be accepted by the Town of Okeene as a dedicated plat, and before a building permit is issued for any part thereof, the owner or developer shall furnish to the public Works Administration proof of compliance with the article of proof of adequate planning for such compliance.

Section 12-532 PENALTY

Each violation of this article shall constitute a separate offense, and shall be punishable as provided in the code,

Section 12-533 PROVISIONS SEVERABLE

Should any part of this article be held by any court of competent jurisdiction to be invalid, or be held to be invalid with reference to any part, parcel or portion of the land described

herein, such holding shall not affect the validity of this article with reference to the remainder of said article or said land.

Section 12-534 FINDINGS OF FACT

The periodic flooding of areas within the Town of Okeene results in hazards to life and property. in the disruption of commerce and governmental services, extraordinary expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health safety and general welfare. Flood and associated losses are caused by the location in flood hazard areas of buildings, structures and uses of lands which are inadequately protected from flooding and erosion. and which contribute to flooding by impeding the flow of drainage and by increasing flood heights through displacement of storm water in floodway and flood fringe areas.

Section 12-535 RESERVED

Section 12-536 PURPOSE AND SCOPE

These regulations and standards are to protect the various portions of the urban area from flooding, to provide clean and sanitary channels fro runoff, to prevent pollution of watersheds, streams and natural drainage channels, to prevent the encroachment of buildings and improvements on natural drainage channels, to equitable apportion the cost of improvements, to protect natural scenic areas, and to provide for the conservation of the natural resources of the area.

Section 12-537 APPLICATION

All subdivisions of land shall comply with the design and improvement requirements herein established for the protection of flood hazard areas and the prevention of erosion.

Section 12-538 CLASSIFICATION OF DRAINAGE CHANNELS AND DESIGNATION OF RESPONSIBILITY

1. For the purposes of these regulations drainage shall be classified as follows:

    a. Surface drainage is runoff of such a limited quantity and/or slow rate that it does not cause erosion of defined channel.

b. A minor tributary is any drainage channel having a drainage basin of 640 acres (one square mile) or less in area.

c. A major tributary is any channel having a drainage basin of not less than one square mile or greater than twenty-five square miles.

2. It is intended that responsibility for drainage be allocated as follows, unless otherwise specifically designed:

a. The Developer of a subdivision is responsible for the following:

(1) All surface drainage on the subdivision.

(2) All increase in surface drainage outside the subdivision which results from the development of the subdivision.

(3) Any significant increase in rate or quantity of runoff in any minor or major tributary or river which results from the development of the subdivision.

(4) The improvement of all minor tributaries lying within the subdivision.

(5) Provision for the maintenance of all floodway and flood-fringe areas of major tributaries and rivers which have not been dedicated to the public.

b. The town and other levels of government will be responsible for the following:

(1) The improvement of floodways of major tributaries.

(2) The maintenance of floodway and flood-fringe areas dedicated to the public.

Section 12-538 METHODS FOR DETERMINING FLOOD HAZARD AREAS AND FLOW AND RUNOFF

1. Flood Hazard Areas. The designation of flood hazard areas is set forth on the FLOOD HAZARD MAP. or firm. The boundaries of all floodway and flood-fringe areas shall be designated on the preliminary and the final plat and shall be clearly marked.

2. Alternative Methods for Determining Stream Flow and Runoff Characteristics. For all areas not otherwise designated in a floodway or a flood-fringe area, the developer shall be responsible for having an engineer, registered in Oklahoma, prepare a drainage assessment of all of the area of the proposed subdivision, and all area affected by runoff resulting from development of proposed subdivision in accordance with the following provisions:

   a. The one hundred year maximum flood shall be used as the basis for the sizing of all drainage channels, bridges and other structures, unless otherwise specified herein.

   b. The calculation of all runoff shall be based on saturated urbanization of the drainage basin for minor tributaries and surface drainage, as reflected in the Comprehensive Plan for the town and shall be based on the maximum degree of urbanization, as reflected in the Comprehensive Plan. for the drainage, basin of a major tributary or river.

   c. The calculation of stream flow and runoff characteristics of the subdivision shall be carried out in consultation with the town planning commission, and the methodology and formulas used shall result in quantities which would be not less than those derived from the application of the following formulas and values:

      (1) Runoff from all drainage areas shall be not less than that determined by Rational Formula: Q + AIR Q

          Cubic feet per second.

          A Area to be drained in acres, determined by field surveys for areas less than 640 acres, and by latest government quadrangle maps for larger areas.

          I Percent of imperviousness of the area. This may vary between 40% and 95% but no value of less than 50% may be used for saturated urban development.

          R Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area.

      (2) The size of closed storm sewers, open channels, culverts, and bridges shall be not less than that

determined by using the Manning Formula. 1,486 r 2/3 s ½ A

Q= n Q Discharge in cubic feet per second.
A Cross sectional area of water in conduit in square feet.
r Hydraulic radius of water in conduit.
s Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance.
n Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

Section 12-539 FLOOD HAZARD AREAS ON MAJOR TRIBUTARIES

All floodway and flood-fringe areas located within the subdivision shall be protected and improved by the developer as follows:

1. All floodways shall be designated as "Flowage Easements" and shall be maintained as permanent open space for use for private recreation or agriculture for which no buildings or structures are required, or dedicated to the public for drainage. recreation and utility use.

2. All flood-fringe areas shall be planned for uses which are permitted in the flood fringe area of the zoning ordinance, and in no case shall the proposed use or construction cause a displacement of flood water in the flood-fringe that will increase flooding in other areas of the floodway or flood-fringe.

3. When it is determined by the town planning commission that the development of the subdivision will significantly increase runoff in the flood hazard area or will otherwise adversely affects storm water runoff, the planning commission may require any or all of the following to the extent needed to reduce the adverse affects of the development:

   a. The design and installation of storm water detention basins and flow retardation structures to control the rate of runoff may be required within or outside the subdivision.

   b. The existing floodway lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be

straightened, widened, and improved to the extent required to prevent overflow beyond the limits of the floodway.

c. Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas, and streets will not be subject to overflow, and in a manner that will provide for the rapid runoff of all rainfall; however, such improvements shall be carried out in a manner that will preserve and protect large trees and attractive physical features of the area.

d. Whenever channel improvement is carried out, sodding, back sloping, cribbing, and other bank protecting shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved.

e. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer, or unless a paved street surface is provided on both sides of a paved channel to give access to abutting properties.

f. Culverts, bridges, and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

Section 12-540 MINOR TRIBUTARIES AND SURFACE DRAINAGE IMPROVEMENTS

All minor tributaries and surface drainage located within or immediately adjacent to and serving the subdivision shall be improved by the developer, as follows:

1. All minor tributary channels shall be improved in accordance with the standards set forth by the developer's engineer and approved by the Planning Commission. The design will be an integral part of the landscape area so that the maintenance of sodded slopes will be the responsibility of the property owners abutting the channel. All channels shall be designed to carry a 100 year maximum flood, shall be designed for self-cleaning and ease of maintenance, shall have sufficient hard surface along the flow line to prevent ponding of water, and shall have design characteristics of alignment, materials of construction and cross-sectioned elements that will be hydraulically efficient and visually harmonious with the adjacent landscape.

2. The design and installation of storm water detention basins and flow retardation structures to control the rate of runoff may be required within or outside the subdivision.

3. Enclosed storm sewers my be required by the designing engineer or the planning commission where special or unusual conditions make open channels hazardous or otherwise unfeasible.

4. A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer, or unless a paved street surface is located on both sides of a paved drainage channel.

5. Site grading shall be carried out in such a manner that surface water from each lot shall flow directly to a storm sewer, improved channel or paved street without crossing more than two adjacent lots.

6. Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six-inch-high curbs during a fifty-year frequency rain for the area and grades involved; provided; however, that in no case shall the drainage area served by one street exceed twenty acres, regardless of the amount of flow.

7. Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers. In no case shall the total easement be less than twenty feet.

8. Bridges and Culverts.

    a. Bridges or culverts shall be provided where water courses cross continuous streets or alleys.

    b. Bridges and culverts shall be sized to accommodate a 100-year frequency rain, based on the drainage area involved.

    c. Design of bridges and culverts shall conform to city construction specifications.

    d. The minimum size of a culvert shall be 24". All culverts shall conform to ATSM standards and specifications.

9. Closed Storm Sewers. Closed storm sewers shall be constructed of precast or prefabricated pipe or built in place of closed box design to conform with the manufacturers specifications to

serve a 100-year frequency rain for the drainage area involved.

10. Open Paved Storm Drainage.

    a. Open paved storm drainage channels shall be constructed in accordance with town specifications.

    b. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical or flatter.

    c. Fences shall be outside of the 100-year flooding line, shall not be erected below the shoulder of the sodded section, and in no case shall fences be closer than six feet (measured horizontally) to the edge of the paved section.

    d. Hand-laid rip rap may be substituted for sodded shoulders where desired for landscape purposes.

Section 12-541 DRAINAGE CHANNELS AND STORM SEWERS OUTSIDE ADDITION BOUNDARIES

The city reserves the right to require improvements, provisions of drainage easements, and for provision of agreements beyond the boundaries of the subdivision to facilitate flow of water through the addition._ to avoid probability of law suits based on damage from changed runoff in the subdivision, and to provide continuous improvement of overall storm drainage system.

Requirements outside the addition may include the following:

1. Improvements may be required in channels or storm sewers flowing to or from the addition, or in channels or storm sewers located in adjacent areas that are affected by flow of water from the addition.

2. The following kinds of improvements may be required:

    a. Enlargement or replacement of undersized drainage structures to provide free flow.

    b. Removal of obstructions.

    c. Straightening of channel.

    d. Widening or deepening of channel

e. Construction of erosion control structures.

f. Back sloping, sodding, and/or rip rapping of bank.

g. Construction of closed or open paved storm sewers for the purposes of closing gap or continuation of overall storm sewer system.

Property owner agreements, where required, shall be designed to protect the town from probably law suits for damage caused by changed runoff condition.

DIVISION 6

FLOOD DAMAGE PREVENTION

Section 12-601 STATUTORY AUTHORIZATION.

The Legislature of the State of Oklahoma has in 82 O.S. 1981, 1601 et seq. delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees of the Town of Okeene, Oklahoma does adopt this Division 6.

Section 12-602 FINDINGS OF FACT.

A. The flood hazard areas of Okeene, Oklahoma are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

Section 12-603 STATEMENT OF PURPOSE.

A. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water, and gas mains, electric, telephone, and sewer lines, streets and bridges located in flood plains;

6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area.

Section 12-604 METHODS OF REDUCING FLOOD LOSSES.

A. In order to accomplish its purposes, this article uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in the times of flood, or in case of excessive increase in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development which may increase flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 12-605 DEFINITIONS.

A. Unless specifically defined below, words, or phrases used in this Article shall be interpreted to give them the meaning they

have in common usage and to give this Article its most reasonable application.

1. "Alluvial Fan Flooding" means flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, deposition; and unpredictable flow paths.

2. "Apex" means a point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

3. "Area of shallow flooding" means a designated AO, AH, or VO Zone in a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

4. "Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones, A, AE, AH, AO, A1-99, VO, V1-30, VE, or V.

5. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

6. "Basement" means any area of the building have its floor sub-grade (below ground level) on all sides.

7. "Critical feature" means an integral and readily identifiably part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

8. "Development" means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

9. "Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, A0,

AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns, (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In case of Zones A1-30, AE, A, A99, AH, B, C, X and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters, in the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.

10. "Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as "existing structures".

11. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

12. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

13. "Flood or Flooding" means a general and temporary condition or partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation of runoff of surface waters from any source.

14. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

15. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

16. "Flood plain or flood-prone area" means any land area suspectable to being inundated by water from any source (See definition of flooding).

17. "Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

18. "Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term descries such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

19. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

20. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

21. "Floodway (Regulatory Floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

22. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

23. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to the construction next to the proposed walls of a structure.

24. "Historical structure" means any structure that is:

a. Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic distract or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or;

(2) Directly by the Secretary of the Interior in states without approved programs.

25. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

26. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as

closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

27. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

28. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

29. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

30. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown on a community's flood insurance rate map are referenced.

31. "New construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

32. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minim, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by a community.

33. "Recreational vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at

the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

34. "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

35. "Structure" means a walled and roofed building, including a gas or liquid storage land, that is principally above ground, as well as a manufactured home.

36. "Substantial damage" means of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

37. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work preformed. The term does not, however, include either, 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or 2) Any alteration of a "historic

structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

38. "Variance" is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction, or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program Regulations.)

39. "Violations" means the failure of a structure or other developments to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

40. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other Datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverain areas.

Section 12-606 LANDS TO WHICH THIS ORDINANCE APPLIES.

The Article shall apply to all areas of special flood hazard with the jurisdiction of the Town of Okeene.

Section 12-607 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Town of Okeene," dated 18th day of November, 1992, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) any revisions thereto are hereby adopted by reference and declared to be a part of this article.

Section 12-608 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this article.

Section 12-609 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section 12-610 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 12-611 INTERPRETATION.

In the interpretation and application of this article, all provisions shall be: 1) considered as minimum requirement; 2) liberally construed in favor of the governing body; and 3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 12-612 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural cause. This article does not imply to that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community, or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Section 12-613 DESIGNATION OF THE FLOOD PLAIN ADMINISTRATOR.

The Mayor is hereby appointed the flood plain administrator to administer and implement the provisions of this article and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to flood plain management.

Section 12-614 DUTIES AND RESPONSIBILITIES OF THE FLOOD PLAIN ADMINISTRATOR.

A. Duties and responsibilities of the flood plain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

3. Review, approve or deny all applications for development permits required by adoption of this article;

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;

5. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the flood plain administrator shall make the necessary interpretation.

6. Notify, in riverain situations, adjacent communities and the state coordinating agency which is the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Section 12-607, the flood plain administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions for flood hazard reduction.

9. When a regulatory has not been designated the flood plain administrator must require that no new constructions, substantial improvements, or other developments (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

Section 12-615 PERMIT PROCEDURES.

A. Application for a development permit shall be presented to the flood plain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location dimensions, and elevation of proposed landscape alterations, existing, and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of this Article;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. Maintain a record of all such information in accordance with Section 12-414.A.1.

B. Approval or denial of a development permit by the flood plain administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger of life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area.

Section 12-616 VARIANCE PROCEDURE.

A. The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this article.

B. The appeal board shall hear and render judgment on an appeal only when it is alleged is an error in any requirement, decision, or determination made by the flood plain administrator in the enforcement or administration of this article.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

D. The flood plain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National

Register of Historic Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this article.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be

commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduction of a functionally dependent use provided that (i) the criteria outlined in Section 12-616 are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 12-617 GENERAL STANDARDS.

A. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood danger;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and,

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 12-618 SPECIFIC STANDARDS.

A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 12-607, (ii) Section 12-614A.8., or (iii) Section 12-619.C., the following provisions are required:

1. Residential construction--new construction and substantial improvements of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the flood plain administrator that the standard of this subsection as proposed in Section 12-615A., is satisfied.

2. Nonresidential construction--new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean seal level) to which such structures are flood proofed shall be maintained by the flood plain administrator.

3. Enclosures-new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4. Manufactured homes.

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Require that all manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (1) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this Section be elevated so that either:

(1) the lowest floor of the manufactured home is at or above the base flood elevation, or

(2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36

inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. Recreational vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE as provided on federal maps FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, and (iii) meet the permit requirements of Section 12-615, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Section 12-619 STANDARDS FOR SUBDIVISION PROPOSALS.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this Article.

B. All proposals for the development of subdivisions including manufactured home parks and subdivision shall meet development permit requirements of Section 12-608; Section 12-616; and the provisions for flood hazard reduction, Section 12-617.

C. Base Flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 12-608 or Section 12-615 or this article.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public

utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

Section 12-620 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

A. Located within the areas of special flood hazard established in Section 12-607, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow: therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

2. All new construction and substantial improvements of nonresidential structures;

a. Have the lowest floor (including basements) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the flood plain administrator that the standards of this article, as proposed in Section 12-607, are satisfied.

4. Require within Zones AH, or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Section 12-621 U.S.E.P.A. WAIVER REQUIRED.

Irrespective of any other provisions to the contrary herein, from and after the effective date of this Article, there shall be no new development permitted within the 100-year flood plain (as defined on the latest publication of the national Flood Insurance Program's Flood Insurance Rate Map for the Town of Okeene) which would generate wastewater to be transported to the Wastewater Treatment Facilities of the Town of Okeene.

An owner/developer of property situated in the said flood plain may make request, in writing, to the Flood plain Administrator for a "Waiver of Service Area Restriction" only in cases where the said owner/developer can sufficiently show that the natural environment in the 100 year flood plain would be preserved if the waiver was granted. Said written request for a "Waiver of Service Area Restriction" shall be denied. Should the finding of the Flood plain Administrator be that the requested waiver would not violate the intent of this Article, nor have detrimental effect upon the natural functions and values of the affected flood plain, then such a request would be presented to the Board of Trustees of the Town of Okeene for their consideration and possible approval. Only after Board of Trustees the Flood plain Administrator would then submit request to the U.S. Environmental Protection Agency's Regional Administrator for review and possible approval. It is specifically the intent of this Article that the said Regional Administrator be the final authority in all such requests for a "Waiver of Service Area Restriction".

CHAPTER 13. PUBLIC SAFETY

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CHAPTER 13. PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

SECTION 13-101 INTERNATIONAL FIRE CODE ADOPTED.

That a certain document is on file in the Office of the Town Clerk of the Town of Okeene, Oklahoma, being marked and designated as the International Building Code 2015 Edition, its appendices and annual amendments thereof, as published by the International Code Board, be and is hereby adopted as the Fire Code for the Town of Okeene, State of Oklahoma, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town Clerk of the Town of Okeene, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article. The following sections of the International Fire Code 2009 Edition are hereby revised:

1. § 100.1, insert the Town of Okeene, State of Oklahoma.

2. 1612.3, insert the Town of Okeene, State of Oklahoma.

3. 1612.3, insert November 1, 2012.

4. 3410.2, insert November 1, 2012.

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

SECTION 13-102 FIRE DEPARTMENT TO ENFORCE CODE.

A. The fire prevention code shall be enforced by the fire department of the town, under the supervision of the chief of the

fire department. The terms "Bureau of Fire Prevention" and "Chief of the Bureau of Fire Prevention", whenever found in the Fire Prevention Code, shall mean fire department and chief of the fire department, respectively, of this town. Whenever the word "municipality" is used in the Fire Prevention Code, it means this town.

B. The chief of the fire department may detail such members of the fire departments as inspectors as may from time to time be necessary.

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

A. The limits referred to in the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

B. The limits referred to in the fire prevention code, in which new bulk plants for flammable liquids are prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

SECTION 13-104 LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS RESTRICTED; ERECTION OF SUITABLE BARRIERS FOR SALE OR LEASE OF TANKS CONTAINING LIQUEFIED PETROLEUM GASES; EXCEPTIONS TO THESE REGULATIONS REQUIRING FIRE CHIEF APPROVAL.

A. Except as otherwise provided, the limits referred to in the International Fire Code in which bulk storage of liquefied petroleum gases is prohibited shall be the town limits. Bulk storage shall mean any container or tank with a capacity greater than 100 lbs and/or any number of containers of whatever size containing in total (aggregate) more than 100 lbs of liquefied petroleum gases. Provided however, the sale or lease of tanks containing liquefied petroleum gases may occur in properly zoned commercial and industrial properties, but only pursuant to subsection B.

B. Any person, firm, corporation or entity owning, leasing or in possession and control of any real property on which sets any outside display or storage of any cylinder or cylinders containing liquefied petroleum gases, which outside display sets in a location whereby a vehicle could impact such cylinder or cylinders, shall erect suitable barriers to prevent vehicle impact. For purpose of this section the term “suitable barriers” shall mean the installation of a minimum of two (2) four (4)inch steel pipes,

cemented at least 30" below the ground and standing at least 30" above the ground and placed so as to prevent impact from vehicles proximately located thereto. Any person, firm, corporation or entity required to erect such suitable barriers, and who shall fail to erect such barriers in conformance with this section shall be guilty of any offense.

C. Provided however, the Town Administrator, after consulting with and receiving the approval of the Fire Chief, may issue a permit for the installation of an outside tank(s) for any business or industry located within any industrial zoning district or any oil and gas location in the Town limits if:

1. the specifications for the outside tank(s) are in conformance and compliance with NFPA 30 & 30A; and

2. the outside tank(s) has been approved by and carries a seal certifying its approval by UL 2085; and

3. the Fire Chief certifies that both the composition of the outside tank(s) and liquefied or flammable gas contained therein are of such a nature and type that it is reasonable to permit it in the location designated and deemed suitable and safe.

4. the owner or person in possession and control of the tank follows all other requirements imposed by the Fire Chief to ensure fire safety, including but not limited to the erection of suitable barriers as provided in subsection B hereinabove if the Fire Chief deems barriers necessary.

D. Any person, firm or other entity who shall violation any provision of this section, by act or omission, shall be guilty of an offense and if convicted shall pay a fine of not to exceed Two Hundred Dollars ($200.00), and court costs and statutory penalty assessments. Each day of violation may be deemed a separate offense.

Note: Amended by Ordinance No. 2014-2 approved on 3/11/2014.

SECTION 13-105 LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED.

The limits referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, shall be as provided by ordinance, resolution or motion of the town board of trustees.

SECTION 13-106 MODIFICATIONS.

The chief of the fire department, with the approval of the town board of trustees, shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code is observed, public safety secured, and substantial justice done.

SECTION 13-107 APPEALS.

Whenever the chief of the fire department shall disapprove the application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision.

SECTION 13-108 PENALTIES.

A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the town board of trustees or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine of not less than $100.00 and court costs. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 2

VOLUNTEER FIRE DEPARTMENT

SECTION 13-201 NATURE OF DEPARTMENT VOLUNTEER; VOLUNTEER DEFINED.

A. The fire department of the town is a volunteer fire department. The fire department is comprised of a minimum of twelve (12) firefighters, who are appointed by the Town Administrator, upon the recommendation of the Fire Chief.

B. A volunteer firefighter is one who serves a member of the Fire Department without receiving pay.

State Law Reference: Volunteer fire departments, provisions and requirements, 11 O.S. §§ 29-201 et seq.

SECTION 13-202 DUTIES OF THE FIRE CHIEF.

A. The fire chief shall head the fire department, and shall be charged with the duty of maintaining the efficiency, discipline, and control of the department. The Fire Chief shall be appointed and answerable to the Town Administrator. The members of the fire department, at all times, shall be subject to the direction of the fire chief.

B. The fire chief shall enforce all rules and regulations established by the town board of trustees for conduct of the affairs of the fire department. The fire chief must at all times answer to the Town Administrator and the town board of trustees.

C. The fire chief shall exercise and have full control over the care and disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the fire department.

D. The fire chief shall be responsible for the keeping of records of fire department personnel, operation costs, depreciation of equipment, responses to alarms, their cause and location, and an analysis of losses, value and location of buildings.

E. The fire chief shall make written reports on or before January 10 and July 10 of each year to the town board of trustees concerning the general status and efficiency of the department and such reports shall contain recommendations for improvement of the department.

F. The fire chief shall enforce all ordinances and laws regulating fire prevention, maintenance and use of fire escapes,

investigation of fires, and means and adequacy of exit in case of fire in all buildings where a number of people may gather.

G. The fire chief or his representative shall have right of ingress and egress on or into any real property within the corporate limits of the town, within reasonable hours, for duties outlined in this code.

H. The fire chief shall register the names of all members of the fire department with the town clerk with a list showing length of service, date of enrollment and discharge, and whether or not the discharge was honorable or dishonorable.

I. The fire chief and fire department shall be charged with prevention of fires within the corporate limits of the town, with the detecting, combating and extinguishing of fires when such occur, and with the protection of property and persons incident to such fires.

J. The fire chief may answer calls outside the corporate limits of the town, subject to rules, regulations and fees as the town board of trustees shall prescribe.

SECTION 13-203 ASSISTANT FIRE CHIEF (CAPTAIN).

In the absence of the fire chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects and full powers and responsibilities of the chief. The assistant chief shall be appointed by the Town Administrator, upon the recommendation of the Fire Chief.

SECTION 13-204 MEMBERSHIP.

The membership of the department shall consist of such persons as may be appointed by the Town Administrator, upon the recommendation of the Fire Chief. All new members shall be on probation for one year after their appointment. New volunteer members, upon completion of their probation period, must, in addition to the approval of the chief and Town Administrator, be approved by a majority of the members of the fire department. Each member of the department is hereby authorized to wear a badge designating his name and rank while on duty.

SECTION 13-205 COMPANY OFFICERS.

The department may elect company officers which shall include a president, vice-president, secretary and treasurer to be known as

company officers. Such officers shall be selected upon their ability to meet the following requirements:

1. Knowledge of fire fighting;

2. Ability to lead men; and

3. Knowledge of firefighting equipment.

Such officer shall be charged with the duty to arrange for and manage any or all social functions sponsored by the department.

SECTION 13-206 SECRETARY-TREASURER.

One member elected by the members of the fire department shall be the secretary-treasurer. The secretary-treasurer's duties shall consist of the following:

1. Calling the roll at the opening of each meeting;

2. Keeping the minutes of each meeting; and

3. Collecting any money due the department by the members.

SECTION 13-207 BYLAWS.

The bylaws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies.

2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters.

3. At least one regular business meeting of the members shall be held each month.

4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department roll.

5. Any member leaving the town for an extended period of time is required to notify the chief.

6. Any member refusing to attend training classes provided for members of the department will be dropped.

7. Each member is required to have a telephone in his home.

8. Each member shall be required to take such medical and physical examinations as the chief, from time to time, may require; and

9. Any member of the fire department may be dropped from the rolls for the following offenses:

(a) Conduct unbecoming a firefighter;

(b) Any act of insubordination;

(c) Neglect of duty;

(d) Any violation of rules and regulations governing the fire department;

(e) Conviction of a felony; or

(f) By majority vote of the members of the company and the approval of the Town Administrator; provided however, the Town Administrator may discipline any member of the fire department, including termination from service, for any violation of the disciplinary policies contained within the Okeene Personnel Manual, without such majority vote of the members of the company.

SECTION 13-208 VIOLATIONS.

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

B. No person shall enter any place where fire apparatus or equipment belonging to the department, unless accompanied by, or having the special permission of, an officer or authorized members of the department.

C. No person shall drive any vehicle over fire hoses except upon specific orders from the chief or other officer in charge where the hoses are used.

D. No person shall park any vehicle or otherwise cause any obstruction to be placed within fifteen feet of the entrance to any fire station or other places where fire apparatus belonging to the said department may be stored or within ten feet of any fire hydrant.

E. No unauthorized person with any vehicles shall follow within six hundred feet of any apparatus belonging to the department, nor park any vehicle within three hundred feet of any fire.

F. No person shall maliciously and willfully turn in or cause to be turned in a false alarm.

G. The fire department shall adopt new methods of operation from time to time as may conform with generally recognized modern practices.

SECTION 13-209 RULES AND REGULATIONS.

The town board of trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organizations, operation and compensation.

SECTION 13-210 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency, and properly protect life and property from fire. Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the town board of trustees, may be purchased in such manner as said board of trustees may designate.

B. All equipment of the department shall be safely and conveniently housed in such places as may be designed by said board of trustees. Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department of such alarm so that they may promptly respond.

C. All motor equipment and all personal cars of department members shall have right-of-way over all other traffic when responding to or returning from an alarm. Each member of the department driving a car shall be issued a suitable insignia to be attached to the car.

D. The chief shall prepare and keep a complete inventory of all property belonging to the fire department and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

E. The chief shall report to the town board of trustees any necessary repairs, alterations or improvements needed by the fire department with an estimate of their probable cost, and shall

superintend the making of the repairs, alterations or improvements, and if any apparatus shall become disabled for immediate use, he shall repair the same and report his action to the board of trustees.

SECTION 13-211 FIRE RUNS

The charges for fire run services provided outside the corporate limits of the Town are specified in the fee schedule. All moneys received from the calls shall go into the general fund.

SECTION 13-212 AUTHORIZING ISO PAYMENTS AND CONTRACTING AND FIRE HYDRANT SERVICING EXPENSE ALLOWANCES.

A. Whenever information is required concerning the receiving and handling of fire calls, the Okeene Fire Department, the Town of Okeene's water supply, and other information necessary to support or provide for the reduction in Okeene's ISO Rating, the Town Administrator is authorized to contract with an Okeene Voluntary Firefighter(s) to provide such services in an annual amount of not to exceed Five Thousand Dollars ($5,000.00) with the manner and time of payments and all other issues addressed by a written contract and supervised by the Town Administrator.

B. An allowance for expenses of Twenty-five Dollars ($25.00) per day shall be paid to firefighters for performing fire hydrant testing for ISO Rating work. All such work and payment shall be coordinated with the Town Administrator.

Note: Approved as Ordinance No. 2016-10 on the 11th of October 2016.

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CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

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USE AND CONSTRUCTION OF STREETS

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EXCAVATING OR CUTTING STREETS AND ALLEYS

SECTION 14-201 NOTIFICATION TO TOWN
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SECTION 14-203 SECURITY BOND
SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY TOWN

CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

Section 14-101 TREES AND SHRUBBERY TO BE TRIMMED; DUTIES OF PROPERTY OWNERS OR PERSONS IN LAWFUL POSSESSION, CUSTODY AND CONTROL; WRITTEN NOTICE; SPECIFICATIONS; PENALTY.

A. The owner or person in lawful possession, custody and control of any real property located within the Town of Okeene shall trim, prune, cut and/or remove any tree, branch, bush, shrubbery limb or other obstruction, located in a location prohibited by this section, and which interferes with the electric distribution system of the town, or overhangs a street, alley or other public way or property thereby obstructing the free and convenient passage and travel along the streets, sidewalks, alleys or other public ways or properties in violation of this section. Such trees, bushes and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than fifteen feet (15') feet above the roadway of a street, alley or other public way or property, nor lower than eight (8) feet above the sidewalk. The owner or person in lawful possession, custody and control, of any real property located in the Town which contains trees, bushes and/or shrubbery which interfere with the electric distribution system of the Town shall cause the same to be trimmed by such owner or person in lawful possession, custody and control of such real property in the following manner:

1. A twelve (12') wide clear path shall be provided down each alley for truck access.

2. A three feet (3') radius clearance shall be provided around every electric pole.

3. Cut any limb extending within ten feet (10') of the electrical line.

4. Cut any limb above any wire.

B. The duties of the owner or person in lawful possession, custody and control of any real property located within the Town of Okeene as set out in sub-section A of this section shall apply without regard to whether such person is notified by the Town of non-compliance with this section. Except in the event of an emergency, each time that the Town determines that it shall perform such trimming functions, the Town shall place a notice in

the utility bill alerting all utility customers of the proposed tree trimming project at least ten (10) days before any such operation shall begin. The notice shall provide: 1) that the owners may trim the trees within the time provided in the notice, consistent with subsections A and C of this section, and/or as otherwise provided in the specifications contained in such written notice, 2) that a written consent for the removal of the tree, bush or shrubbery desired by the Town to be removed, is required to be executed by the owner or other person in lawful possession, custody and control of any real property (and upon each such tree a non-permanent marking of a specified type will be made for clarification), and 3) that unless the work is performed by the owner within such time as specified in the written notice, that the town work crews will begin and complete the work as provided in the subsection A and/or the written notice. However, for reasons of safety, service quality, and good economy, trees shall be trimmed to the standards as set forth in subsections A, C and/or the written notice whether or not the Town work crews has received a response from such property owner or other person in lawful possession, custody and control of any real property as set forth herein unless receipt of a written consent is required by this section.

C. The trimming operations, whether conducted by the Town work crews or the property owner or other person in lawful possession, custody and control of any real property, shall be consistent with the following specifications:

1. As many tall species of trees located directly under the electric lines shall be removed, provided the written consent of the property owner shall be required.

2. If removals aren't possible, the trees should be trimmed or pruned three feet (3') the under open wire secondary or service wire pole to pole (One Foot (1") under CATV and telephone lines).

3. If overhanging branches can be safely removed, they should be removed. Because proper pruning requires cutting at certain points, branches will be cut at a main branching point, or at the trunk, leaving no stub. Sometimes this means that the branch is cut more than ten feet (10') from the wires.

4. Trees ten inches (10") in diameter or less at chest height located less than ten feet (10') from the nearest wire may be removed with the written consent of the owner.

5. Species located under the line and recognized as fast growing may be removed with the owner's written consent. Slower

growing species will be left if they have a minimum of ten feet (10') of clearance to the neutral conductor. Slow growing trees include oak, hemlock, sugar maple, Norway maple, hickory, etc. Fast growing trees include cedar, pine, poplar, birch, red maple, ash, silver maple, etc.

6. Emphasis shall be placed on removing trees rather than trimming, as written consent must be obtained to remove trees. Where trimming only is permitted, the lateral pruning method shall be employed. Final trimming and clearing shall provide a minimum of ten feet (10') of unobstructed space (any direction) from Town's conductors, including the system neutral. Ground-to-sky trimming is preferred. However, trimming above conductors may be limited to the maximum reach of the bucket.

7. Existing right of way (not within a residential subdivision) shall be cleared to the same width as the original clearing unless additional clearing can be obtained as outlined below or otherwise specified by the Town. Normal width of right of way is as follows:

a. Three-Phase Primary lines - 30 ft.
b. Single-Phase Primary lines - 20 ft.

8. Unless otherwise specified by the Town, all right of way clearing shall be as close to the ground as the topography and type of soil will allow, with a maximum remaining height of four inches (4') for brush stubs and six inches (6') for tree stumps.

9. Disposal of operation wood residue such as brush, wood, large sections of tree trunks, large limbs, wood chips, and other such products produced or generated by this operation on the Town's system shall not obstruct roads, paths, or waterways. Disposal of said residue created by Town work crews shall be the sole responsibility of the Town work crews and at approved locations; disposal of said residue created by the property owners or person in lawful possession, custody and control of the real property or any third party shall be the sole responsibility of the person who created the residue which shall be removed and disposed of at approved locations. If performed by Town work crews, the real property of the property owner or person in lawful possession, custody and control of the real property shall be left as neat as before the trimming work started. Town work crews and third parties shall exercise extreme care when cutting brush or trees that are close to or touching wires to prevent breaking or wrapping the wires together or otherwise interrupting electric service.

10. Trees fronting each side of the right of way shall be trimmed or removed (with written owner's consent as provided hereinabove) unless otherwise specified. Dead trees beyond the right of way, which would strike the line in falling, shall be removed (with written owner's consent). Leaning trees beyond the right of way, which would strike the line in falling and which would require trimming if not removed, shall either be removed or trimmed, except that shade, fruit or ornamental trees shall be trimmed and not removed, unless otherwise authorized. Vines growing on poles, guy wires, and equipment shall be removed and cut off at ground level and the area surrounding the pole and/or equipment shall be treated with an approved chemical mixture to discourage regrowth.

11. Special effort shall be made to eliminate all tree parts and growth points beneath the wires, and all weak, diseased or dead limbs above the wires which may fall or blow into them. In all cases, Town work crews shall secure maximum clearance with good economy and with due regard to the rights and interests of property owners and the public. When normal clearance cannot be obtained because of property owner objections or other factors, special effort shall be made to secure a reasonable amount of temporary clearance and Town work crews shall notify the Town Administrator of the same.

D. Any owner or person in lawful possession, custody and control of any real property located within the Town of Okeene who shall fail, refuse or neglect to trim trees and shrubbery as provided in Section A of this section, after receiving five (5) days' notice from the Town Administrator to do so, or within the time as provided in the written notice, shall be guilty of an offense. Every day that the owner or person in lawful possession, custody and control of any real property located within the Town of Okeene shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, or within the time as provided in the written notice, shall be a separate offense, and upon conviction shall pay a fine of not greater than One Hundred Dollars ($100.00) plus court costs and any applicable state assessments.

Note: This section was amended by Ordinance No. 2015-02 approved on January 15, 2015.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not

prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS, AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave the same thereon; or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-108 NOTICE; PENALTY.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within seventy-two (72) hours after notice served on him by any police

officer, health officer, or any other agent of the town, the property owner or occupant or agent so failing or refusing after notice so to do, to repair or clean off such sidewalk, shall be deemed guilty of an offense.

SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS.

Any person who shall willfully or wantonly cut or break or remove, or in any manner displace any curbing, guttering, or who shall recklessly or intentionally, drive any vehicle loaded with asphalt materials, lumber or building materials, or any kind, into or on the curbing, or concrete guttering of any paved street, shall be guilty of an offense.

SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET.

The owner, driver, operator or mover of any vehicle over any street or alley of the town and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks, shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the town.

SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED.

It is unlawful for an owner or occupant of premises abutting on a sidewalk in the town to store on the sidewalk, goods, wares and merchandise unless a space of at least six (6) feet in width, is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb could be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each twenty-four (24) hour period.

SECTION 14-113 INSECTS AND WORMS.

Each owner, agent, or occupant in front of or on whose lots shade trees have been planted or are growing shall use every reasonable precaution to protect the same from insects and worms.

SECTION 14-114 PERMIT TO STRING WIRES.

A. It is unlawful and an offense for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking, or other public place in the town for the purpose of stringing wires or cables along or across the parkings or other public places, without first obtaining a permit therefor in writing from the town, which shall be filed with the town clerk.

B. Whenever any telephone, telegraph, or electric light and power company or any other person with authority to use the streets for such purposes, desires to string any wires or cables along or across any of the street parking, or other public place, such person shall make application to the town. If the Town Administrator determines that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to the trees, he shall issue his written permit, stating the nature and extent of such trimming or cutting, which shall be filed with the town clerk as heretofore provided. All such trimming or cutting shall be done under the direct supervision and control of the Town Administrator or some competent person designated by him.

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

SECTION 14-201 NOTIFICATION TO TOWN.

Before beginning any boring, cutting or excavation under, across or through any street or alley, the party about to perform the same shall notify, in writing, the town that such boring, cutting or excavation is intended to be done, the location thereof, and the necessity of such boring, cutting or excavation. Such written notification must be made prior to commencement of any such boring, cutting or excavation.

SECTION 14-202 FEE TO BE PAID TO TOWN.

Any person who shall hereafter bore, cut or excavate under, across or through the surface of any street or alley in the town shall obtain a permit from the town clerk, upon payment of the fee

set by the town and upon approval of the Town Administrator, prior to the commencement of any such cutting, boring or excavation.

SECTION 14-203 SECURITY BOND.

Prior to commencement of any boring, cutting or excavation of any street or alley the party to perform the same shall post with the town clerk a good and sufficient surety or indemnity bond, payable to the town in the amount set by the board of trustees. Such bond shall be to protect and save the town harmless from any and all damages caused by any such boring, cutting or excavation.

SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY TOWN.

A. After the installation, replacement or repair of any utility line or other line, the party making such bore, cut or excavation shall fill the bore, cut or excavation and tamp the earth or other fill material as specified by the town, subject to the rules and regulations as may be prescribed by the town board of trustees. The party making any such bore, cut or excavation shall replace any paving, whether asphalt, concrete or a combination, damaged, destroyed or removed in like manner as existed prior to such bore, cut or excavation.

B. The following specifications apply to the fill:

1. A suitable soil stabilizer shall be used as part of the reconstruction process;

2. All soils treated with the stabilizer and routinely compacted shall attain unconfined compressive strengths greater than the same soils which are untreated and compacted to ninety-five percent (95%) of the maximum laboratory dry density;

3. Treated soils should attain a field California Bearing Ratio (CBR) of forty (40) or greater, when used in accordance with manufacturer's instructions;

4. Treated soils shall gain in compressive strength and maintain their size and shape when subjected to damp environments;

5. Treated soils should attain sufficient strength to allow for repaving, removal or any traffic control devices, and provide for the return to normal traffic on any site where the stabilizer is used within two (2) hours or less of the final compaction lift, when used in accordance with manufacturer's instructions;

6. Treatment of soil will create less than 10 degrees F. exothermic reaction so as to prevent possible damage to pipe or other underground conduits, plant or animal life. The stabilizer shall not pose a threat of thermal injury to workers, nor will it cause the ground to expand after compaction which would prevent immediate repaving;

7. The stabilizer shall be environmentally safe and shall not exceed EPA standards for ingestion or inhalation, or cause hazards to work crews or the environment;

8. The stabilizer will be non-corrosive to underground pipe and other conduits;

9. The ratio of stabilizer to soil shall not be less than twenty-five (25) pounds per cubic yard of soil; and

C. Upon completion of all restoration work the Town Administrator shall examine the location to determine if such filling, tamping or paving complies with the standards set forth by the rules and regulations of the town board of trustees, and endorse upon the permit his acceptance or rejection of the restoration. If such restoration does not comply with the standards set by the town board of trustees, the town may cause proper and necessary repairs at the sole cost of party to whom the permit was issued.

D. It is the Town Administrator's discretion as to the repair and replacement of streets and alleys, either being trenched or bored.

CHAPTER 15 Traffic and Vehicles

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CHAPTER 15 Traffic and Vehicles

ARTICLE 1

GENERAL PROVISIONS

Section 15-101 CITATION OF CHAPTER.

The chapter and all amendments hereto may be cited or referred to as the "Traffic Code, Town of Okeene", and may so appear upon all official documents, records or instruments.

Section 15-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of Town streets, alleys, thoroughfares, parks parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the Town, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

Section 15-103 DEFINITIONS.

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;

4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for businesses or industrial purposes, including but not limited to hotels, banks, or office

buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impeded the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

14. "Highway", see street;

15. "Intersection" means:

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or

b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then ever crossing of two (2) roadways of such streets shall be regarded as separate intersections;

16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

17. "Limited access highway", see controlled access highway;

18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

19. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;

20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on no more than three (3) wheels in contact with the ground, but excluding a tractor;

21. "Motor vehicle" means every vehicle which is self-propelled;

22. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the Town;

23. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is an authorized place;

25. "Pedestrian" means any person a foot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to the public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of

direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for the use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary liens of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "Vehicle" means every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Section 1-101 et seq.

Section 15-104 ADOPTION OF STATE TRAFFIC CODE.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the Town within the Town limits as if set out at length herein.

State Law Reference: State rules of the road, 47 O.S. Section 10-101 et seq.; state motor vehicle code, 47 O.S. Section 1-101 et seq.

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this Town and all the state vehicle laws

applicable to street traffic in this Town. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this Town. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The Town Administrator, subject to any directions which the Board may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this Town and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The Town Administrator may have traffic control devices tested under actual conditions of traffic.

Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

State Law Reference: Similar provisions; 47 O.S. Section 11-104.

Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinances of this Town.

Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, Town, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

State Law Reference: Municipal drivers to obey state rules of the road, 47 O.S. Section 16-103.

Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other

equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this chapter shall apply to any of the persons and vehicles exempted by this Section when traveling to and from such work.

Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES.

A. Town personnel or contractors, while repairing or improving the streets of the Town, and Town personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the Town Administrator, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this Section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area.

The provision of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the Town personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

Section 15-211 AUTHORIZED EMERGENCY VEHICLES.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to

but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions stated in this Section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this Section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until

the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Section 11-106, 11-405, and 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than the one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

Section 15-214 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions 47 O.S. Section 11-1109.

Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this Section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him.

State Law Reference: Driver's licenses, 47 O.S. Section 6-101.

Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED.

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this Section shall be punished as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this Section shall constitute a separate offense.

Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE OR COMMIT OTHER UNLAWFUL ACTS WITH DRIVERS LICENSE OR IDENTIFICATION CARD.

A. It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

B. It is unlawful for any person

a. To lend one's own license or identification card to any other person or knowingly permit the use thereof by another,

b. To display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

c. To permit any unlawful use of a license or identification card issued to oneself, or

d. To add to, delete from, alter, or deface the required information on a driver license or identification card.

Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident resulting in injury to, or death of, any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsections C and D hereof. Every such stop shall be made without obstructing traffic more than is necessary.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving; and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or person injured in the accident reasonable assistance. If the driver does not have any operator's or chauffeur's license in his possession, he shall exhibit other valid evidence of identification to the occupants of a vehicle, or to the person collided with.

D. The driver shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

E. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of 47 O.S. Section 752 and the procedures found in Section 752 shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

F. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, accident reports, 47 O.S. Section 6-303.

Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with a vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property, of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license if in his possession at that time, and the driver shall make report of such accident when and as required by law.

Section 15-221 REPORTING ACCIDENTS.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars ($300.00) shall, as soon as practicable, report such accident to a police officer or to the police department unless settlement of the collision has been made within six (6) months after the date of the accident. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this Section.

State Law Reference: Similar provisions, 47 O.S. Section 10-108.

Section 15-222 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this article by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this Section shall be construed to abridge the power of the police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the Town and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event that form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this Section.

Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with the proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this Section shall apply only when the procedure as prescribed in this Section has been followed.

Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicle on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The municipal judge or court clerk shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

D. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgement, whether bail was forfeited, and the amount of the fine or forfeiture.

Section 15-228 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the Town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicle with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the

existence of security required by the Compulsory Insurance Law of the State of Oklahoma;

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the Town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from the coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of an offense and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage of such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the Town.

G. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

State Law Reference: Similar provisions, 47 O.S. Section 7-601 et seq.

Section 15-229 TEXTING WHILE DRIVING PROHIBITED; DEFINITIONS; EXCEPTIONS

A. Definitions. For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device.

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a

communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

B. It shall be unlawful for any person to operate a motor vehicle on any street, alley or highway within the Town while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

C. Any person who violates the provisions of subsection B of this section shall, upon conviction, be punished by a fine of Seventy Dollars ($70.00) and court costs.

D. The provisions of subsection B of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency

Note: Approved by Ordinance No. 2015-7 passed on October 13, 2015.

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street.

State Law Reference: Required equipment of vehicles, 47 O.S. Section 12-101 et seq.

Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

Section 15-303 EQUIPMENT.

Every vehicle operated upon the streets of the Town shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the Town which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the Town.

State Law Reference: For state law relating to equipment, see 47 O.S. Section 12-201 et seq.

Section 15-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the Town; however exhaust whistles may be used on authorized emergency vehicles.

Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

Cross Reference: See also Section 16-536 of this code on trucks.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. Section 14-101 et seq.

Section 15-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this Town any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this Town, or any combination thereof, unless the vehicle is in good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants.

The provisions of this Section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this Section shall upon conviction thereof, be subject to punishment as provided in Section 1-108 of this code.

ARTICLE 4

SPEED REGULATIONS

Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than thirty (30) miles per hour in the Town except;

1. On designated and numbered state and federal highways, the maximum is as posted;

2. Emergency vehicles being lawfully driven as provided in this code;

3. When a different speed limit is otherwise designated and posted; or

4. When a different speed limit is established and posted as required in this code.

B. Town personnel, subject to such direction as the mayor and Board may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when so provided, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

State Law Reference: Basic and minimum speed rules, 47 O.S. Section 11-801, 11-804, Town powers 47 O.S. Section 22.1.

Section 15-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

State Law Reference: Local authority to set speed limits, 47 O.S. Section 15-102, 11-803.

Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS.

No vehicle shall be driven at such an unreasonable slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.

Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

Section 15-406 RECKLESS DRIVING

A. It shall be deemed an offense for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 47 O.S. §11-801.

B. Any person convicted of violating Subsection A of this Section shall be punished by a maximum of Five Hundred Dollars ($500.00), plus court costs thereof.

ARTICLE 5

DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

D. Official signs may be erected directing the slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right of way only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Section 15-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaking vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing.

Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width from not more than one line of traffic in each direction each driver shall give to the other at least one-half (½) other main-traveled portion of the roadway as nearly as possible.

Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. Town personnel, subject to any directions given by the Board by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the Town designates any street or alley or part thereof as a one-way street or alley, Town personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

State Law Reference: Similar provisions, 47 O.S. Section 11-308.

Section 15-508 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-310.

Section 15-509 NO PASSING ZONES.

A. The State Department of Transportation, as regards state and federal highways, and the mayor as regards all other streets, arm hereby authorized to determine those portions of any

highways where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this Section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

Section 15-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department.

Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked

lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

Section 15-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus.

State Law Reference: Similar provisions, 47 O.S. Section 11-705.

Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated.

State Law Reference: Similar provisions, 74 O.S. Section 11-705.

Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED; EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

Section 15-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection.

Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this Section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the Town.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the Town between sunset and sunrise.

Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which
the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least thee hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly

discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this Section unless the person is equipped with and wearing on the head a crash helmet of the type and as not to distort the view of the driver. Such headgear shall comply with the regulations issued by the State Department of Public Safety as provided in Section 40-106G of Title 47 of the Oklahoma Statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

Section 15-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, rOLLER skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

Section 15-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

A. In a careless manner;

B. In a negligent manner;

C. In such a manner as to endanger life, limb, person, or property; or

D. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

Section 15-524 FULL TIME AND ATTENTION REQUIRED.

The operator of every motor vehicle while driving upon the streets and highways of the Town shall devote full time and attention to such driving.

Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

Section 15-526 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in any unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

Section 15-527 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 15-528 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Section 15-529 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provision, 47 O.S. Section 11-1105.

Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 15-532 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Section 15-533 PRIVATE SERVICE DRIVES.

No vehicles or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise.

SECTION 15-534 TRUCK ROUTES; PARKING OF CERTAIN VEHICLES AND TRAILERS PROHIBITED ON RESIDENTIAL STREETS; EXCEPTIONS; PENALTIES.

A. The Town Board may prescribe routes through the Town for the use of trucks in general, trucks or particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the Town. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the Town, shall keep on such route and shall not deviate therefrom except in case of an emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the Town and not merely through the Town. No person shall drive a truck on any street, road or highway that is not designated as part of a truck route.

B. Except as otherwise provided, no person shall park a truck, bus, motor home, recreational vehicle, commercial trailer or travel trailer, upon any residential street within the corporate limits of the Town, unless such parking is specifically permitted under this municipal code. For purpose of this section the word "truck" shall mean every motor vehicle designed, used or maintained primarily for the transportation of property (state law reference, 47 OS § 1-182 and 1-183). Examples include but are not limited to semi-tractor trailers, tractor-trailers, semi-truck, semi-trailer, big rigs, semi-trucks eighteen wheelers or their trailers. For purpose of this section, the word "bus" shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation (state law reference 47 OS § 1-105; Section 18-103.4 of this code).

C. Exceptions to prohibition:

1. When the destination of the truck requires traveling on streets not part of the truck route for a delivery to or from a customer or to provide a service at a residence or business. In

such an event the route must be limited to the minimum necessary to accomplish the delivery or service call;

2. When the parking of the bus, motor home, recreational vehicle, commercial trailer or travel trailer, upon any residential street to provide a service at a residence or pick up or deliver a passenger. In such an event the parking must be limited to the minimum necessary to accomplish the pick-up, delivery or service call;

3. Public transit vehicles;

4. Fire trucks, military or other emergency vehicles;

5. Road construction and maintenance vehicles, while such vehicles are being used for road construction and maintenance purposes;

6. Utility service vehicles, while such vehicles are being used for utility service purposes;

7. Sport utility vehicles or light or full size pickups.

8. Truck routes are designated as the following: State Highway 51 and State Highway 8, also known as Main Street.

D. Any person who shall by act or omission violate this section shall be guilty of an offense and if convicted shall be subject to a maximum fine of two hundred dollars ($200.00) plus costs; provided however, each day the violation shall continue shall be considered a subsequent offense.

E. Any person who shall by act or omission violate this section shall be guilty of an offense and if convicted shall be subject to a maximum fine of two hundred dollars ($200.00) plus costs; provided however, each day the violation shall continue shall be considered a subsequent offense.

Section 15-535 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

Section 15-536 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this Section is modified at through highways as otherwise stated in this chapter.

State Law Reference: Right of way at intersections, 47 O.S. Section 11-401.

Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "Yield Right-of Way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles

on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

State Law Reference: Similar provisions, 47 O.S. Section 11-403.

Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

Section 15-540 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If the two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

Section 15-541 THROUGH STREETS.

A. Town personnel, subject to such direction as the Board may give, may designate any street or part of a street a through street.

B. Whenever the Town designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the Town if deemed desirable.

Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The Town Administrator, subject to any directions given by the Board by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalks on the near side of the intersection or if there is not crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

Section 15-544 VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is not marked stop line, then the driver shall stop at the point nearest the intersecting road where the river has a view of approaching traffic on an intersecting roadway before entering

the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 15-545 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this Section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the drier shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-404.

Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the

street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by

reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

A. Every operator and front seat passenger of a passenger car operated in this Town shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this Section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this Town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured set belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system: means an infant or child passenger set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A nonresident driver transporting a child in this state;

2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;

3. The driver of an ambulance or emergency vehicle;

4. A driver of a vehicle if all of the seat belts are in use; and

5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this Section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provisions of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence

in any civil action or proceeding for the damages. If any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this Section. Any person convicted of violating subsection A of this Section shall be punished by a maximum fine as set by state law or by the Town, whichever is greater, and court costs.

ARTICLE 6

TRAFFIC CONTROL DEVICES

Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

Town personnel, subject to any directions given by the Board by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this Town to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this Town or under state law or to guide or warn traffic.

Cross-Reference: For state law relating to traffic control devices, see 47 O.S. Section 11-201 et seq.

Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the Town. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police office, subject to the exemptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Drivers to obey traffic devices, 47 O.S. Section 11-201.

Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently eligible to be seen by an ordinarily observant person. If a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "Go":

a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and

b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating;

2. Steady yellow or amber alone, "caution":

a. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter; and

b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicle may proceed cautiously through the intersection and clear the same before the "red" signal flashes;

3. Red alone, "stop":

a. Vehicular traffic facing the signal stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and

b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;

4. Steady red with green arrow:

a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicted by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

State Law Reference: Similar provisions, 47 O.S. Section 11-202.

Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS:

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

Section 15-607 FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This Section shall not apply at railroad crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "Flashing Yellow":

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and

b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

2. "Steady yellow alone":

a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and

b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;

3. "Steady red":

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;

b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and

4. "Steady red and steady yellow combined":

a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and

b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 11-203.

Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This Section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

State Law Reference: Similar provisions, 47 O.S. Section 11-206.

Section 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injury, knock down, remove or have in his possession any traffic

control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

Town personnel, subject to any directions given by the Board, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping protect the same.

Section 15-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized Town personnel, subject to any directions given by the Board, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway and crosswalks at intersections, where in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians.

Section 15-614 TRAFFIC LANES.

A. Town personnel, subject to any directions given by the Board, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

Town personnel, subject to directions given by the Board by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES.

No person shall park any vehicle or trailer on any street for a period of time longer than forty-eight (48) hours. This Section shall not affect parking limits established for shorter periods.

Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

Town personnel, subject to any direction by the Town Board by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicted by such signs or markings.

Section 15-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. Town Administrator is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The mayor may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

A. Town personnel are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this Section, no person shall violate such signs.

Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;

2. In front of a public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;

5. On a crosswalk;

6. Within twenty (20) feet of a crosswalk at an intersection;

7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;

9. Within fifty (50) feet of the nearest rail of a railroad crossing;

10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of the entrance when properly signposted;

11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or any unlawful distance away from a curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

Section 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The Town Board may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

Town personnel may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such sign.

Section 15-715 PARKING ADJACENT TO SCHOOLS.

A. Town personnel may have signs erected indicting no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such sign.

Section 15-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection.

Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except that delivery vehicles, either loading or unloading, may park in the center of street, while in the process of loading or unloading and making delivery to or pick up at any local business establishment.

B. This Section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Section 15-720 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the Town limits, except in compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

B. Delivery vehicles, either loading or unloading, may double park in the right-hand lane while in the process of loading or unloading and making delivery to local business establishments; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked.

Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED.

A. It is unlawful for any person to park a truck of over one ton capacity, or a trailer over thirty (30) feet in length, for more than three (3) consecutive hours on any street or alley in the Town.

B. It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the Town. However, the trucks

and vehicles restricted in this Section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquified petroleum gases for a period not to exceed one and one-half (1 ½) hours during any twenty-four (24) hour period.

Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;

2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or

3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated for emergency.

Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

State Law Reference: Parking rules, 47 O.S. Section 11-1004.

Section 15-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless or negligent manner;

2. In such a manner as to endanger life, limb, person, or property; or

3. In such manner as to endanger or interfere with the lawful traffic or use of the streets.

Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

ARTICLE 8

LOADING

Section 15-801 DEFINITIONS.

As used in this chapter:

1. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale;

2. "Commercial vehicle" means:

a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling or merchandise or freight and which bears a regular state commercial license tag:

b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the Town at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

3. "Passenger loading zone" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

Section 15-802 CURB LOADING ZONES, DESIGNATION.

A. The Town Administrator, subject to any directions given by the Board by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this Section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this Section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the Town an amount of money estimated by the Town Board to be adequate to reimburse the Town for all costs of establishing and signing the same.

Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes.

Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading or materials during hours when the provisions applicable to such zones are in effect. In no case shall the driver stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The Town Administrator may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands or other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such

stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

ARTICLE 9

TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS.

A. Subject to any directions given by the Board by motion or resolution, the Town Administrator is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 15-902 DESIGNATION OF RESTRICTED TURNS.

The Town Administrator, subject to Town Board direction, is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this Section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

Section 15-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

Section 15-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the Town at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;

2. Where a police officer is directing traffic except at the latter's direction; or

3. At any other location where an official "No U-Turn" sign has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the return is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all time to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS.

It is unlawful and an offense for any person to turn a vehicle across the center line unless the turn is at an intersection at which left hand turns are permitted or into a private road or driveway.

Section 15-906 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

Section 15-908 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this Section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;

2. Right turn - hand and arm extended upward; and

3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

ARTICLE 10

PEDESTRIANS

Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law Reference: Pedestrian rights and duties, 47 O.S. Section 11-501 to 11-507.

Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or

2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

Section 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

Section 15-1004 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

Section 15-1005 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this Section are not applicable where pedestrian crossings are prohibited.

Section 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

Section 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

Section 15-1008 DRIVERS TO EXERCISE DUE CARE.

Not withstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

Section 15-1009 CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

Section 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE 11

BICYCLES

Section 15-1101 APPLICATION OF BICYCLE REGULATIONS.

The provisions of this Article shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201 et. seq.

Section 15-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

Section 15-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

Section 15-1104 RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 15-1105 RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Person riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and not use the roadway.

Section 15-1106 SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 15-1107 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

Section 15-1108 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars.

Section 15-1109 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

Section 15-1110 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The Town Board, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 15-1111 LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

B. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

C. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

Section 15-1301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this Article shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation

of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highways by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

Section 15-1302 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage or place of safekeeping designated by the Town and to no other place.

Section 15-1303 DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this Article shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

Section 15-1304 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Article.

Section 15-1305 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

Section 15-1306 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

Section 15-1307 ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle's custody or removal.

Section 15-1308 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

Section 15-1309 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this Section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

Section 15-1310 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place

shall be impounded, and any vehicle parked in violation of this code, for more than forty-eight (48) hours, shall be impounded.

Section 15-1311 VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

Section 15-1312 VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

Section 15-1313 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

Section 15-1314 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this chapter.

SECTION 15-1315 TOWN TO CHARGE FEE RELATING TO IMPOUNDMENTS

The Town shall charge a fee of $15.00 for its work involved in the impoundment of any motor vehicle properly impounded

pursuant to City or State law or ordinance. Such fee shall be paid to the Town prior to the release of the motor vehicle to the owner.

ARTICLE 14

PENALTIES

Section 15-1401 OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the Town for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the Town for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this chapter.

Section 15-1402 PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the Town, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Section 1-108 of this code.

ARTICLE 15

SPECIAL GOLF CART RULES

Section 15-1501 SPECIAL GOLF CART RULES

Golf carts may be operated on the public streets within the corporate limits of the Town of Okeene, while traveling from the residence of the operator to the municipal golf course following the normal and customary route of travel, subject to the following rules and conditions:

1. Golf carts vehicle shall mean a vehicle as defined by state law, or as such state law may be hereinafter amended.

2. Golf carts shall not be registered pursuant to the provisions of the Oklahoma Vehicles License and Registration Act.

3. Golf carts shall not be operated on any state or federal highway, excepting golf carts may cross state or federal highways.

4. Golf carts shall be operated only during daylight hours.

5. Miscellaneous:

   A. Application of Traffic Laws to Golf carts. Every person operating a golf cart upon city streets as specifically provided hereinabove, shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle.

   B. Obedience to Traffic Control Devices. Any person operating a golf cart upon city streets as specifically provided hereinabove, shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

   C. Operating Golf carts.

      1. No person operating a golf cart shall ride other than upon the permanent and regular seat affixed thereto.

      2. No golf cart shall be used to carry more persons at one time than the number for which it is designed and equipped.

      3. Every person operating a golf cart upon city streets as specifically provided hereinabove, shall ride as near to the right-hand side of the street as practicable, and shall not pass any vehicle being operated in the same direction of travel.

      4. Every person driving a golf cart upon city streets as specifically provided hereinabove, shall ride only one (1) abreast.

5. Any person operating a golf cart on city streets as specifically provided hereinabove, shall use the low gear only.

6. No person operating a golf cart on city streets as specifically provided hereinabove, shall engage in a speed contest or race.

7. No person operating a golf cart on city streets as specifically provided hereinabove, shall be found to be in the possession of any alcoholic beverage or non-intoxicating beverage as defined in this Code.

D. Speed of the Golf cart

No person shall operate a golf cart upon city streets as specifically provided hereinabove, at a speed greater than 15 miles per hour.

E. Yielding the Right-of-Way.

The operator of a golf cart shall yield the right-of-way to all pedestrians and vehicles approaching or traveling along city streets as specifically provided hereinabove.

D. License

No person shall operate a golf cart on city streets as specifically provided hereinabove, without having in his/her possession at all times, an unrevoked and unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by any provision contained in this Chapter or federal or state law or regulation.

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CHAPTER 16 TRANSPORTATION

ARTICLE 1

RAILROADS

Section 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS.

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the Board by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the Board by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the Board by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the Town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

Section 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.

Railway companies shall construct sidewalks crossing their rights-of-way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

Section 16-103 CLIMBING ON TRAINS.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the Town , unless

such person is acting in line of duty; or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

Section 16-104 SPEED LIMIT FOR TRAINS.

No engineer, conductor or other person in charge of a railway locomotive, railway engine, railway motorcar or train of cars shall operate and run the same, or permit or suffer the same to be operated and run, along any track within the corporate limits of the Town at a greater rate of speed than is permitted by state and/or federal law.

Section 16-105 CROSSING GATES OR SIGNALS.

Any and all railroad companies which are now operating and which shall hereafter operate, any railroad line or lines within the corporate limits, or through the corporate limits, of the Town , are hereby authorized to erect and install automatic crossing gates, with arms, at all railroad grade crossings in the Town .

Section 16-106 TRAINS BLOCKING STREETS.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes. This provision shall not apply to railroad trains or cars in motion, other than those engaged in switching.

Section 16-107 UNNECESSARY NOISES PROHIBITED.

It is unlawful for any engineer or other person while operating a locomotive within or through the Town to cause unnecessary or prolonged blasts with a whistle on the locomotive or to allow or cause any unnecessary noises from such locomotive.

ARTICLE 2

AIRPORT

Section 16-201 AIRPORT BOARD CREATED

There is hereby created an airport board to act in an advisory capacity to the mayor and Board of the Town in the

maintenance, operation, management and development of any airport property owned by the Town .

Section 16-202 AIRPORT BOARD MEMBERS, TERM OF OFFICE

A. The airport board hereby established shall consist of at least three (3), but not more than eight (8) members to be appointed by the mayor and the Board. Two (2) of the members may reside outside the Town limits; the remainder shall be residents of the Town. The members of the board shall be appointed for staggered terms of five (5) years so that a term of one member expires on December 31 of each year. The members of the board shall serve without pay.

B. A chairman shall be selected by the members and shall serve at the Board's pleasure or until his successor is so appointed. The chairman's term shall be one (1) year.

Section 16-203 REIMBURSEMENT OF MEMBERS

The Town shall reimburse the members of the board for actual and necessary expenses incurred in the performance of their duties upon verified claims submitted by the members incurring same and upon approval by the airport board prior to submission of same to the mayor and Board. Such reimbursement shall be made from airport funds legally available for that purpose.

Section 16-204 POWERS AND DUTIES

The duties of the airport board hereby created shall be as follows:

1. Advise the mayor and Board on all matters pertaining to the maintenance, operation, management and development of airport property owned by the Town and shall make specific recommendations concerning all phases of the foregoing. It shall be responsible for the actual supervision and administration of airport property and its maintenance, operation, management and development, according to and in pursuance of ordinances, resolutions and other directives nature of the mayor and Board;

2. Recommend to the Town annually, in time for consideration by the mayor and Board in the preparation of the Town budget for the fiscal year ensuing, the amount of funds necessary for maintenance, operation, management and development of airport facilities. It shall also make an estimate of revenue

to be obtained from the facilities during the fiscal year ensuing, for budget purposes;

3. Develop plans for the immediate and future use of airport property of the Town as the interests of the Town may require and to the greatest extent permitted by the resources of the Town available for such purpose. It shall be responsible for the coordination of plans and activities of the Town with federal and state aviation agencies; and

4. Promote aviation and the interests of the Town in its airport property in every feasible manner.

Section 16-205 ANNUAL GROUND LEASE PAYMENTS FOR LOTS AT THE AIRPORT.

All persons having ground leases at the Okeene Municipal Airport shall be required to pay such rental as set by the Town. Such rental payment shall be paid in full on or before each successive anniversary date (execution date) of such ground lease.

Section 16-206 RENTAL FEES FOR TOWN HANGARS AUTHORIZED; AGRICULTURAL-RELATED AERONAUTICAL ACTIVITY; VIOLATIONS OF LEASES OR RULES AND REGULATIONS A CRIMINAL OFFENSE.

A. There are hereby authorized and levied the rental fees for Town-owned airplane hangars as provided as provided by resolution of the Town.

B. Each commercial operator conducting any type of agricultural-related aeronautical activity at the airport shall be required to lease property from the town to store materials and equipment and provide for loading and unloading operations applicable to such business activity. The rental rate shall be $500.00 per annum for one or more. No person, firm or corporation shall conduct any agricultural-related aeronautical activity at the airport without leasing property or occupying a hangar pursuant to a lease with the town.

C. No lessee at the airport shall violate any term of any lease or other rule or regulation of the airport pertaining to their activity or operation.

Note: Amended by Ordinance No. 2013-05 approved on 4/9/2013.

Section 16-207 AIRPORT MANAGER

There may be an airport manager who shall have such powers and duties as may be defined by law and by the mayor and Board. The Airport Board shall provide recommendations and advice to the Airport Manager but the Airport Manager shall be supervised and directed by the Town Administrator as are all other employees.

ARTICLE 3

OKEENE MUNICIPAL AIRPORT HEIGHT HAZARD ZONING

Section 16-300 PURPOSE.

This Article is adopted pursuant to the authority conferred by 3 O.S. 100 et seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Okeene Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Okeene Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Okeene Municipal Airport and the public investment therein. Accordingly, it is declared:

(1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Okeene Municipal Airport;

(2) that it is necessary in the interest of the public health, public safety, general welfare and convenience that the creation or establishment of obstructions that are a hazards to air navigation is prevented; and

(3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Section 16-301 TITLE

Article 3 of Chapter 16 of this Code shall be known and may be cited as Okeene Municipal Airport Height Hazard Zoning Ordinance.

Section 16-302 DEFINITIONS

As used in this Article, unless the context otherwise requires:

1. AIRPORT shall mean the Okeene Municipal Airport.

2. AIRPORT ELEVATION - The highest point of an airport's unable landing area measured in feet from sea level.

3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 16-304 of this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones set forth in Section 16-303 of this Article.

5. BOARD OF ADJUSTMENT - A board consisting of five (5) members appointed by the Town of Okeene, Oklahoma as provided in Section 16-309.

6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

7. HAZARD TO AIR NAVIGATION - an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. HEIGHT - For the purposes of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

9. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

10. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

11. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 16-304.

12. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

13. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 16-303 of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

14. RUNWAY - A defined area on an airport prepared for landing and take off of aircraft along its length.

15. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

16. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

17. TREE - Any object of natural growth.

18. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

19. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

Section 16-303 AIRPORT ZONES

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Okeene Municipal Airport. Such zones are shown on Okeene Municipal Airport Zoning map consisting of 1 sheet, prepared by Leard Bice & Associates, Inc., which is on file in the Office of the Town Clerk and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone. - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone extends outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.

3. Horizontal Zone - The horizontal zone is established by swinging arcs of 5000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

Section 16-304 AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at

the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1355 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

3. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 1355 feet above mean sea level.

4. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Excepted Height Limitations - Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

Section 16-305 USE RESTRICTIONS

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in a glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 16-306 NONCONFORMING USES

1. Regulations Not Retroactive - The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of Section 16-306.1, the Owner of any existing nonconforming structure of tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Town Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Town of Okeene.

Section 16-307 PERMITS

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 16-307.4.

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each

end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 16-304.5.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the Town Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article.

Additionally, no application for variance to the requirements of this Article may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Town Administrator for advice as to the aeronautical effects of the variance. If the Town Administrator does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or three in question to install, operate, maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Town of Okeene at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 16-308 ENFORCEMENT

It shall be the duty of the Town Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Town Administrator upon a form published for that purpose. Applications required by this Article to be submitted to the Town Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Town Administrator.

Section 16-309 BOARD OF ADJUSTMENT

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Town Administrator in the enforcement of this Article; (2) to hear and decide special exceptions to the terms of this Article upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

2. The Board of Adjustment shall consist of five (5) members appointed by the Mayor and Town Board for the Town of Okeene and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, one member shall be appointed for a term of one year, two members for a term of two years, and two members for a term of three

years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Article. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of Town Administrator and on due cause shown.

4. The Board of Adjustment shall make written findings of facts and conclusion of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Article.

5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Town Administrator or decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect variation to this Order.

Section 16-310 APPEALS

1. Any person aggrieved, or any taxpayer affected, by the decision of the Town Administrator made in the administration of the Article, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Town Administrator a notice of appeal specifying the grounds thereof. The Town Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Town Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate to stay would in the opinion of Town Administrator cause imminent peril to life or property. In such case,

proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Town Administrator and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this Article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

Section 16-311 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the District Court of Blaine County, State of Oklahoma.

Section 16-312 PENALTIES

Each violation of this Article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than $100.00 dollars, plus court costs; and each day a violation continues to exist shall constitute a separate offense.

Section 16-313 CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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CHAPTER 17. UTILITIES

ARTICLE 1

UTILITY SYSTEMS GENERALLY

SECTION 17-101 LEASE OF SYSTEMS.

The town leased its water, electric and sewer systems to the Okeene Public Works Authority, (hereinafter "authority") a public trust. The trust has the power to set rates and otherwise to regulate the water, sewer, electric and sanitation systems. The motions and resolutions adopted by the trust replace any ordinances which the town had relating to these matters. For the motions and resolutions passed by the public trust, please refer to the minutes of the Okeene Public Works Authority. A copy of the trust indenture relating to the leasing of these systems is on file in the office of the town clerk.

Ed. Note: See also special ordinances for various ordinances setting rates and governing the utilities.

Ed. Note: Water, sewer and electric systems are leased from the Town and regulated by the Authority. The ordinances and indenture grant to the Authority the ability to govern these utilities.

SECTION 17-102 ACCESS TO TOWN AND AUTHORITY AGENTS.

A. It is unlawful and an offense for any person to obstruct or deny access to or prevent the reading of water and electric meters in the town by the town or authority, its agents, employees, or officers by parking any vehicle or place any obstruction over or on top of the water meter covers or to permit any vehicle to be parked or located above or on top of the water meters. Each day's continuation of any such violation shall be deemed a separate offense.

B. It is unlawful to make threats of any type to officers, agents, or employees of the town or authority in the performance of their duties or to prevent the officers, agents, or employees from performing their official duties in reading the water meters or by limiting the access to water meters in any other manner not limited to those mentioned above.

SECTION 17-103 RULES ADOPTED, PENALTY.

The rules, regulations or rates of the Okeene Public Works Authority, as amended from time to time, are hereby adopted and

incorporated herein by reference. Any violation of the rules, regulations or rates is punishable as provided in Section 1-108 of this code.

ARTICLE 2

BILLINGS AND GENERAL PROVISIONS

SECTION 17-201 UTILITY FEES AND BILLINGS IN GENERAL.

All fees and charge in connection with any customer's use of the sanitary sewer system, the water facility system, the collection and disposal of refuse and garbage, or the electrical service system are billed in accordance with applicable rates set by motion or resolution of the authority. All fees and charges owing for any of these utility services shall be billed monthly. The utility bills submitted under the terms of this section are payable on or before the past due date which is printed on the bill.

SECTION 17-202 UTILITY TAPS AND CONNECTIONS; FEES; UTILITY DEPOSITS.

A. The authority shall approve any request for a water tap and connection, a sewer tap to an existing line or a sewer tap, any new line and any electrical service connection. Prior to granting this approval, the customer shall have paid the deposit and connection or charge as applicable and set by motion or resolution. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed in connection with the utility service. It shall be held in trust by the authority. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the authority have been satisfied, shall be returned to the customer, or to the authority if unclaimed by the customer, after notice as required by law.

B. A fee for reconnection of utility service where the service has been turned off or a meter has been disconnected by the authority for any reason shall be collected by the authority. For any reconnection of utility service the charge shall be set by the town.

C. Any person making an application for utility service shall make a deposit with his application or meter as set out by the town.

D. The deposit shall be held by the town clerk, and if at any time the person making the deposit should desire to discontinue the use of utility services, he shall notify the town clerk, in writing, and shall accompany his application with all arrears, if any, and in case the application is not accompanied with the charges, then the town shall deduct from the deposit the amount of utility charges against the meter, and the balance, if any, shall be returned to the person making the application. Payment in a timely manner is defined as payment by the due date.

SECTION 17-203 OTHER UTILITY FEES OR CHARGES.

The authority from time to time by motion or resolution has the power to establish rates and charges governing all aspects of the utility services, including monthly service fees, connection fees and charges, and deposits.

SECTION 17-204 APPLICATION FOR SERVICE.

Effective on and after May 15, 2010, any person desiring to establish utility service(s) shall make application to the town which application shall contain the name of the applicant, the lot and block number, the address, the kind of building and the names of the occupants. In the event that the owner of the premises does not reside therein and has leased or permitted other persons to occupy the premises subject to the application, the utility services must be made in the names of all adult occupants of such premises, as evidenced by all such adult occupants' signatures on the application for service form, promising to pay all utility charges incurred at such premises. In the event that any adult occupant of the premises has unpaid town utility charges outstanding from some other residence, such utility service shall not be commenced or continued until all such unpaid charges have been fully paid or a written payment arrangement negotiated and approved by the Town Clerk. When the application has been properly filed and deposit made as set forth, the town shall inspect the premises, and if they conform with the rules and regulations of the town for the distribution of all such utility services, the application shall be approved and the installation made.

SECTION 17-205 CONSUMER TO ADVISE OF CORRECT ADDRESS.

Every utility consumer, whether he is the owner or occupant, shall keep the utility department advised as to his correct mailing address. Failure to receive utility bills shall not be a valid excuse for failure to pay same when due.

SECTION 17-206 JOINT BILLING.

The monthly charges to any premises for utility services shall be billed monthly on a single bill or statement to each owner or occupant liable therefor; provide however, that such bill or statement shall separately state the charges for each utility service rendered to the premises.

SECTION 17-207 DUE DATE AND PENALTY FOR PAYMENT.

Utility bills shall be rendered monthly by the town, and all bills shall be due and payable on the 10th of the month ("due date"). If any bill is not paid by the due date, a penalty of ten percent (10%) of the bill shall be added thereto.

SECTION 17-208 NOTICE OF INTENTION TO TERMINATE SERVICE.

Utility consumer's bills will be computed at the net rates and shall be payable on or before the date as set out in Section 17-207, each and every month. Bills of all utility customers not paid by 5:00 P.M. on the stated due date each and every month will be classified as delinquent and shall be subject to an additional charge of ten percent (10%) of the net billing. If any utility bill, or part thereof, shall remain unpaid after the 20th day of each successive month period (or if the 20th falls on a Saturday or a Sunday, then the following Monday), the town shall give written notice to the occupant of the premises for which such bill was rendered, who shall be deemed the agent of the owner of the premises for the purpose of notice, by mailing such written notice to the customer at the address provided to the town by the customer, specifying the amount due, with penalties, and advising of the utility department's intention to terminate service on a date not less than twenty-four (24) hours (exclusive of Saturday, Sunday and holidays) after the mailing of such notice. Such notice shall also contain a statement to the effect that the owner or occupant may request a hearing before a trust officer or employee within such twenty-four (24) hour period and state the telephone number at town hall where such officer or employee may be contacted to request such a hearing.

Section 17-209 ENUMERATED REASONS FOR TERMINATION OF UTILITY SERVICE; TERMINATION OF SERVICE; TENANT/LANDLORD ACCOUNT ESTABLISHED IF DELINQUENCY OCCURS.

A. The Town may disconnect and terminate service to a utility customer for any of the following reasons:

1. Nonpayment of all or any portion of an undisputed bill or a bill which is no longer disputed or for which the city's dispute process has been completed.

2. Failure to comply with the terms and conditions of a payment agreement as provide for in Section 17-210.

3. Failure to post a deposit as prescribed by Town Code.

4. Failure to make application for service.

5. Misrepresentation of identity or facts for the purpose of obtaining service or use of an alias, trade name, business name, relative's name or another person's name as a device to escape payment of an unpaid obligation for city service provided to the utility customer. For purpose of further interpretation of this subsection, the failure of a previous owner or occupant at the premises to pay an unpaid or delinquent account shall not constitute grounds for termination, unless the previous occupant remains an occupant or user of the City service at the premises, and in such event, the service may be properly terminated.

6. Violation of any rule or regulation of the City.

7. Unauthorized use of a city utility accomplished through bypassing of the Town's measuring equipment or tampering with wires, meters, pipes or other Town equipment.

8. Whenever the Town has reason to believe that continued service will create a condition on the utility customer's premise that is dangerous to persons or property.

9. Refusal to grant access at reasonable times for the purpose of installation, inspection, maintenance, replacement, or reading of Town equipment installed upon the premises of the utility consumer, or obstructed town easement of right-of-way, or maintaining any obstruction that would deny access for these premises.

10. Potential adverse effect of the service required by the consumer on the service of other utility customers of the Town, provided the utility customer has been notified and given a reasonable opportunity to correct the adverse effect.

11. Abandonment of the premises served.

12. Upon request of the utility customer.

13. Causing an injury or threatening to cause an injury to an employee of the Town or the family of an employee of the Town or the property of the Town for the purpose of preventing a Town employee from engaging in activities authorized by law or in retaliation for such activities.

14. Violation of the Town's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the utility customer was notified first and given a reasonable opportunity to comply with the rules.

15. Violation of federal, state or local laws or regulations through use of the service.

16. Causing damages to Town property.

17. A condition exists which poses a health or safety hazard.

B. If a utility bill remains unpaid, in whole or in part, or such service is subject to disconnection allegedly based on one of the enumerated reasons set out in subsection A hereinabove, after service of the required termination notice and the appropriate time period of such notice has expired, and if:

1. No hearing before a trust officer or employee has been requested; or

2. After such hearing such charges are found to be properly imposed and/or the enumerated reasons found to have occurred; \

then the utility service may be terminated.

C. A reconnection fee in the amount of Twenty-five Dollars ($25.00), plus payment in full of the outstanding bill and penalties will be charged and collected prior to restoration of service.

D. In the event that a tenant terminates its tenancy and the City does not receive the delinquent utility amount owed, prior to the re-establishment of service to a new tenant at such same residence or business, both the new tenant and the landlord shall establish utility service with the City, with both the new tenant and landlord responsible for the payment of the monthly billing.

Section 17-210 PAYMENT ARRANGEMENTS.

A. Effective May 1, 2017, any authorized town officer or employee may make payment arrangements with any utility customer who has had continuous utility service with the Town for at least one year, has had no more than one (1) payment arrangement in the past twelve (12) months, and who makes a personal visit to town hall before the 20th day of each successive month period, or the first working day thereafter, when the 20th falls on a weekend or holiday. If payment arrangements are desired and approved by the authorized town officer or employee, the utility customer shall be required to sign the written payment arrangement agreement acknowledging the owed amount and agreeing to the payment arrangements and other provisions as provided in the agreement. Payment arrangements may only be signed after the account is delinquent (after the 20th day of each successive month). At least one half (1/2) of the current bill, including any delinquency, must be paid at the time of making any payment arrangement. If the balance of the utility customer's gross bill, including any subsequent month's service incurred after signing a payment arrangement contract is not totally paid by the 20th day of the successive month or the first working day thereafter, when the 20th falls on a weekend or holiday, the town may terminate the utility service without further notice. A request for payment arrangements shall not stop the utility department from terminating the utility customer's service if the account is delinquent as provided by this Chapter.

B. As of April 11, 2017, with respect to any utility customer that has had an unpaid delinquency for more than two months without having a payment arrangement, such utility customer shall be required to sign the following form in order to receive payment arrangements.

AGREEMENT FOR DEFERRED PAYMENT OF DELINQUENT UTILITY ACCOUNT

I, the undersigned ("Undersigned") hereby acknowledge that I have a utility account with the Town of Okeene, Oklahoma, and Okeene Public Works Authority (collectively the "Town") which has an outstanding balance as of $_____ (hereinafter "unpaid balance") as of the above referenced date at the above service address. I have received the utility services represented by such unpaid balance but have neglected to pay such unpaid balance in full. As of the above date, my utilities services are currently still active and I continue to receive utility services on credit from the Town. I understand that under Town policies that my utility services could be terminated and no further utility service provided. In consideration of the Town keeping my utility services on at the service address, the undersigned

agrees beginning on the ___ day of _____ 201_, and continuing on or before the due date of the utility bill (as provided by municipal ordinance) for each successive month thereafter and until the unpaid balance is paid in full, that the Undersigned will pay in cash or negotiable instrument, (INSERT A PERCENTAGE NOT LESS THAN TEN PERCENT) of the referenced unpaid balance plus each month's new utility charges, together with all penalties, at Town Hall. In the event that such amount is not timely paid during each successive month, the undersigned agrees that all utility services of the Town will be disconnected at the service address, without further notice, and such utility services will not be reactivated until the unpaid balance, together with all penalties and interest at 14% per year is paid in full and an appropriate deposit established. This obligation to pay is without setoff or other defense. In the event of a breach of this agreement, in addition to collection of the unpaid balance and any penalties and interest, the prevailing party shall be entitled to a reasonable attorney's fee. Venue shall be permitted only in the District Court of Blaine County, Oklahoma. Each and every provision of Chapter 17 of the Okeene Municipal Code, as it is currently constituted or hereinafter amended, is hereby incorporated by reference into this Agreement and made a part thereof as if fully set out. Each party to this Agreement shall have whatsoever rights, duties and obligations are available to them in the event of a breach of this Agreement.

Once the unpaid balance is paid in full, in the event of a subsequent need for a payment arrangement, Subsection A of this section shall be reviewed and followed in order to determine whether the utility customer is eligible for a deferred payment arrangement agreement and the underlying terms.

Note: This ordinance was amended by Ordinance No. 2017-3 approved on April 11, 2017.

SECTION 17-211 PERSONNEL MAY INSPECT PRIVATE PREMISES; PROVIDING FOR A FEE TO BE CHARGED FOR FAILURE TO GRANT ACCESS TO THE ELECTRIC METER LOCATION.

A. Authority personnel in the service of the utility systems may enter any private premises served by the water, electricity, sewer or other utility systems at any reasonable time, and inspect the pipes, lines, fixtures and connections on the premises.

B. The customer's electric meter shall be located in a place which is readily accessible to town utility workers for the purpose of installation, inspection, maintenance, replacement, and/or reading of the electric meter. If the meter is located

behind a fence, such fence shall be unlocked and no dog or other animal shall impede the access of the town utility worker to the electric meter location. In the event that any impediment on any customer's property prevents a town utility worker from access to the electric meter location, such customer shall be immediately sent a notice of impediment. The notice shall state the date and time that the impediment occurred, the exact nature of the impediment, and a date and time when a re-read of the electric meter, or such other work required to be performed, will again be attempted. Each time that a notice of impediment is sent, the customer shall be charged a fee of Fifty Dollars ($50.00) to offset the administrative expenses incurred because of the failure to provide access.

SECTION 17-212 RURAL UTILITY USERS.

A. Every person being furnished utility services by the town, outside the corporate town limits of the town, shall be deemed and known as a "rural user."

B. Rural water service will be granted only after a request has been made therefor, in writing, addressed to the mayor and town board of trustees of the town. Water extensions outside of the town limits of the town will not be made except on property on which the town has an easement, which has been granted the town or dedicated for public use. Such rural use shall have the prior approval of the town board of trustees of the town; and all such extensions, lines, valves, fittings and connections shall be dedicated to the town for rural water service. All water extensions outside of the town shall be subject to the town plumbing code, and after inspection, shall be accepted by the mayor and town board of trustees of the town, before being put in service.

C. In the event the town board of trustees of the town determines by resolution, duly adopted and approved, that there is a water shortage in the town, and that it would be in the best interest of the inhabitants of the town, to disconnect all water connections to rural users, those persons, firms or corporations shall be disconnected from the water system of the town, from and after being given a three (3) days written notice thereof by the town clerk.

SECTION 17-213 TOWN'S RIGHTS AND RESPONSIBILITIES.

A. When an application for utility services has been approved, the town shall cause to be installed a meter or tap as appropriate, and connect the same with the authority for utility service. The town, at all times, shall have the right to enter

upon the premises for the purpose of inspecting, maintaining, (including tree-trimming), reading of meters, and for the purpose of repair or adjustments of meters, lines and wires of the authority. The application and the installation of a meter or tap on the premises shall constitute a contract and agreement between the town and the persons making the application to pay for utility services applied for at the rate and manner specified by the town. The town does specifically reserve the right to charge and collect the rate and enforce the penalties in the manner herein provided, to change the rates at any time by ordinance or resolution, to temporarily discontinue the service at any time, without notice to the customer when necessary for repairs or some other emergency at the discretion of the town. Unreasonable impediments to the reading of any utility meter shall constitute sufficient grounds for discontinuation of service (following proper notice) until the impediment has been removed by the customer or his agent to the satisfaction of the town.

B. The town will use reasonable diligence to supply steady and continued service at the point of delivery, but will not be liable to the customer for any damages occasioned by irregularities or interruptions. The town may, without further notice, discontinue service to any customer when a defective condition of wiring or equipment upon the premises of the customer results, or is likely to result, in danger to life or property, or interfere with proper service. In order to make repairs or changes in the town's facilities for supplying utility service, or some other emergency, the town reserves the right without incurring any liability therefore to suspend service without notice to the customer for such periods as may be reasonably necessary.

SECTION 17-214 CUSTOMER REGULATIONS AND RESPONSIBILITIES.

A. The customer will not sell the utility service purchased from the town to any other person unless the rate schedule under which he is served provides for such a resale. The customer will not be permitted to extend or connect the installation of lines across or under a street, alley or other public space in order to obtain service for adjacent property through one meter or tap unless such adjacent property is a part of the same business, actually continuous except for intervening public space.

B. The customer will be responsible for all damage to, or loss of, the town's property located upon his premises, unless occasioned by causes beyond his control, and shall not permit

anyone who is not an agent of the town to remove or tamper with the town's property.

Section 17-215 COLLECTION FEE

Whenever the Town or one of its public trust authority refers an unpaid debt or an unpaid account receivable to a collection agency, including but not limited to an unpaid fee, penalty, interest, or other sum due, or a court penalty, cost, fine or fee in cases in the municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court (hereinafter collectively referred to as an "unpaid debt or account"), a collection fee in the amount of thirty-five percent (35%) of the unpaid debt or account shall be assessed and collected.

Section 17-216 AVERAGE BILLING PROGRAM

There is hereby created the Average Billing Program for the Town of Okeene, Oklahoma (hereinafter the "Program"). The Program provides for the establishment of a revolving average monthly utility payment plan which is calculated using the current bill and outstanding balance added to the previous 11 months' bill (recalculation shall occur at least every four (4) months or whenever the account balance is 1 times over or under the current calculated average monthly utility payment plan. In order to participate in the Program, the customer must:

1. Be a utility customer of the Town for at least one year at the same address prior to the date of signing up for the Program and on that date have a zero utility balance;

2. Have had no late fees assessed and/or returned checks or drafts for at least one (1) year prior to the date of signing up for the Program.

3. Must remain enrolled in the Program for at least one year from the date of signing up for the Program; and

4. Enroll in the Program during the months of October through December of each successive year (Enrollment in the Program will not be permitted at any other time during the year for new enrollees).

Under the terms of the Program, if any single payment is late or if a payment is not made, the account will be subject to automatic removal from the Program, the account balance becomes due in full, and the account may become subject to cut-off for non-payment

A customer must stay enrolled in the Program for at least one (1) year; thereafter, a customer may elect to be removed from the Program at any time. Whenever any customer properly elects to be removed from the Program, such customer's current account balance will be paid in full immediately. Whenever termination of service at any address occurs, such account balance must be paid in full immediately prior to the initiation of the Program at the customer's new address. Except when a customer changes their Program address and fully complies with the aforementioned provisions, new customers seeking to enroll in the Program may only apply from October 1 through December 31 of each successive year (hereinafter "enrollment period").

If the Program is canceled by the Town with respect to any customer or the customer properly withdraws from the Plan, the customer will not be eligible to enter into the Program for at least one full calendar year and thereafter only during the enrollment period. If the customer's account has a credit balance, this balance cannot be used for payment unless the customer withdraws from the Plan.

At times it may be impossible or impracticable to accurately determine the average monthly billing for accounts; sizable adjustments may be necessary to be made based on actual or historical usage. In addition, the Town Administrator is authorized to make adjustments to the implementation of this policy which are reasonable and/or in the best interest of fairness and responsible utility practices.

Note: This section was approved by Ordinance No. 2017-4 on the 11th day of April 2017.

Section 17-216 OPERATION OKEENE CARES ACCOUNT

There is hereby created the Operation Okeene Cares Account and Program. This account shall be used solely to assist utility customers who are unable to pay their utility accounts with donations made by other Okeene utility customers. All monies donated shall be deemed non-public monies and the Town is merely acting as a collection agency for holding and allocating such non-public monies. A box or other marking shall be placed on the utility bill and any customer may choose to mark that box and include a donation, in addition to their regular utility payment, to be placed into the Operation Okeene Cares Account. At times deemed appropriate, the Okeene Ministerial Alliance shall be furnished a public record of the account numbers and amounts due for utility customers who are delinquent and in addition an accounting of the amount of monies contained in the account. The Alliance shall direct the monies in the account to be paid in

accordance with their direction and such amounts shall be credited to such specific utility account without further Board action. Once paid to the Town into the specific utility account, the monies shall be treated for all purposes as public money.

Note: This section was approved by Ordinance No. 2017-4 on the 11th day of July 2017.

ARTICLE 3

WATER SERVICE

SECTION 17-301 APPLICATION FOR WATER SERVICE.

When any person desires to connect with the water system of the town, he shall apply to the office of the Utility Superintendent for a written permit, which shall bear the name of the applicant, the location of the property to be served, including the street name, lot and block number, and the class or kind of service for which it is to be used, together with the name of the plumber or contractor who has been employed to do the work.

SECTION 17-302 WATER TAP FEES.

A. The following schedule of water tap fees are herewith set forth and are to be collected for water taps within the town limits of the town from the customers where taps of the town water system are made:

Inside Town Limits:

a. ¾" tap $175.00 plus cost of meter and material

b. 1" tap $210.00 plus cost of meter and material

c. 1 ¼" tap $280.00 plus cost of meter and material

d. 1 ½" tap $280.00 plus cost of meter and material

e. 2" tap $350.00 plus cost of meter and material

f. 3" tap $350.00 plus cost of meter and material

g. 4" tap $490.00 plus cost of meter and material

h. 6" tap $630.00 plus cost of meter and material

i. 8" tap $840.00 plus cost of meter and material

j. 10" tap $1050.00 plus cost of meter and material

2. The following schedule of water tap fees are hereby set and are to be collected by the town for rural water tap fees when rural taps of the town's water system are made:

a. ¾" tap $300.00
b. 1" tap $350.00
c. Over 1" tap $700.00

In addition to the payment of the aforementioned charges, such rural customer shall pay all costs of the installation, including but not limited to the cost of the meter and necessary pipe, fittings and tubing. The meter shall be of standard manufacture and of a type approved by the department, and shall apply to all present and future users of meters.

B. The town will keep in good repair at its own expense all water meters of its own installation, excepting where meters have been damaged by carelessness or wrong doing of the customer, when same shall be repaired and charged against the customer.

SECTION 17-303 THEFT OF WATER.

Any person, firm, or corporation who shall by fraud or stealth in any way obtain water service without having first made application to the office of the department in regular form, shall be guilty of an offense, and upon conviction thereof shall be punished accordingly. The amount of water that has been obtained by any person, firm or corporation without such water having been permitted to go through the meter designated and placed for such person, firm, or corporation shall be estimated by the average amount used by such person, firm, or corporation during the past three (3) months that meter operated, and the person, firm or corporation shall pay for same at the rate fixed by authority of the town. In any case where theft is committed, the town shall have the right at the expense of the owner to install a boot and lock for the water meter and pit as a precaution against further theft.

SECTION 17-304 FAILURE OF WATER SUPPLY.

In case the supply of water shall fail, whether from natural causes or accidents of any kind, the town shall not be liable for any damage of any kind by reason of such failure.

SECTION 17-305 TOWN LIABILITY.

The town is merely a supplier of water delivered at the curb

valve of the consumer's installation, and is not responsible for any damage to apparatus, equipment, or other property of the consumer, either from wear or tear or inherent defects in the installation.

SECTION 17-306 WATER METER LOCATION.

The location of the water meter will be at a location on the line extension to be designated by the water department of the town.

SECTION 17-307 MAIN VALVES.

All main valves throughout the entire water system are for the exclusive use of the town in making repairs, extensions, and other improvements; and no person, firm, or corporation shall, under any circumstance, use or tamper with them without written consent of the superintendent of the departments. All fire hydrants and public hydrants of all kinds are directly under the control of the town. Any person, firm, or corporation who shall tamper with or secure water from any of these places in any other way than that for which they are intended shall be guilty of an offense and shall be punished accordingly.

SECTION 17-308 RESERVOIR, PUMPING AND FILTER PLANTS, TANKS AND TOWERS.

It is an offense and unlawful for any party or parties to loiter around, climb upon, or tamper in anyway with the tower and pressure tank or pumping station and filter plant. No party or parties shall loiter about the reservoir or drainage canals, climb upon the dam, hunt, fish, use boats on, or bathe, or wade in the reservoirs or drainage canals; and the reservoirs or drainage canals shall be under the supervision of the town. Any party or parties guilty of such offense shall, upon conviction thereof, be punished accordingly, except that the mayor and board of trustees may at their pleasure grant hunting, fishing, and boating privileges on the reservoir or drainage canals from season to season and at such rates as they see fit.

SECTION 17-309 REMOVAL BILLS; SPECIAL BILLS.

Bill rendered on vacation of premises or bills rendered to person discontinued service must be paid on presentation.

SECTION 17-310 SERVICE REGULATION.

The authority reserves the right, in cases of emergency, to govern and regulate the use of water to all consumers by

resolution or proclamation as they deem proper for the public health and safety.

SECTION 17-311 FLUORIDE.

In order to protect the health and welfare of the citizens of the authority, from and after the effective date of this chapter, the quantity of fluoride in the public water supply shall be controlled in such manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the State Board of Health.

SECTION 17-312 RESTRICTING THE USE OF WATER DURING AN EMERGENCY.

Water restrictions imposed by mayor. In case of emergency caused by a shortage of water in the town water system, it shall be the duty of the mayor to give immediate notice, by publication in a newspaper of general circulation in the town, to the customers of the water system, restricting the use of water obtained from the water system, as the mayor may designate for so long as such water shortage shall last. Thereafter, and until the mayor proclaims that the emergency is at an end, it shall be unlawful for any person, corporation or entity, directly or indirectly, to use water obtained from the water system for any purpose or use specifically prohibited by the public notice.

SECTION 17-313 WATER RATES.

The water rates to be charged shall be as set by resolution of the Town Board of Trustees or the Okeene Public Works Authority.

SECTION 17-314 MANDATORY WATER CONNECTION.

A. The owners of all houses, building or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town and abutting on any street, alley or right-of-way in which there is located a public water lines, are hereby required at their own expense, to install suitable facilities therein, and to have such facilities connected directly with the proper public water within sixty (60) days after the date of official notice to do so; provided, that such public water line is within three hundred (300) feet of the property line.

B. Said notice shall be served by a designated agent of the Authority by delivering a true and correct copy to the property owner, or leaving the same at his usual place of

residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Any person who shall fail, neglect or refuse to comply with the terms of this section after having been notified to do so as provided herein shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Authority may discontinue the furnishing of water to such property owner, until such time as a proper water connection has been made to the dwelling.

Section 17-315 REGULATIONS CONCERNING WATER WELLS

Any owner, lessee or person in lawful possession and control of any real property located within the Town desiring to locate a water well on such real property shall first secure a water well drilling permit from the Town Clerk and pay an one (1) time Ten Dollar ($10.00) application fee. Any owner, lessee or person in lawful possession and control of any real property located within the Town that has an existing water well on such real property shall within ninety (90) days of the effective date of this section secure a water well permit; provided no charge shall be made for existing water wells. No owner or person in possession and control of any real property located within the Town shall permit its water well system to be connected, in any manner, with any public water line, or to any private service line connected to any public water line, which connection could permit groundwater to enter the public water system. Water supplied from a water well may only be used for non-potable purposes. In addition, any person who secure a water well permit and uses such water supplied from such water well for any commercial or industrial purpose, including but not limited to a commercial car wash, laundromat, commercial powerwash or other commercial or industrial facility, and which such water enters the Town's sewer system shall pay on their utility bill an amount equal to two (2) times the sewer charge of their billing classification using a historical or technical monthly average of water usage for such a commercial or industrial facility. The purpose of this increase charge is to assist the Town in costs of providing sanitary sewer services for such additional water which is discharged into the sanitary sewer system for which no other municipal charge is made. No person required to secure such permit or pay such charge shall hereinafter fail in such obligation or same shall be an offense. No permit shall be issued for a water well within the Town limits of the Town of Okeene unless the driller/operator of such water well has a current drilling license issued by the Oklahoma Water Resource Board. No owner, lessee or person in lawful possession and control of any

real property shall use water from an unpermitted well.

Note: This section as added by Ordinance No. 2015-4 approved on the 11th day of August 2015.

ARTICLE 4

SEWER SERVICE

SECTION 17-401 PREAMBLE.

This Article sets forth uniform requirements for users of the wastewater collection and publicly owned treatment works (POTW) for the Town of Okeene, Oklahoma (hereinafter "town")and enables the town to comply with all applicable state and federal laws including the clean water act (33 USC 1251 et seq.), and the general pretreatment regulations (40 CFR part 403). The objectives of this article are:

A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

F. To enable the town to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject; and

G. To provide for equitable distribution of the cost of operation, maintenance and improvement of the POTW.

SECTION 17-402 DEFINITIONS.

Terms and words not specifically defined but used herein shall have their usual and ordinary meanings unless otherwise

specifically defined in ordinances of the town. As used in this chapter, unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated:

ACCESS: Entry into or upon any real estate or structure, including any part thereof.

ACT OR THE ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY: The director in an NPDES state with an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an industrial user may be: a) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD_5 (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidations of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 m) outside the inner face of the building wall.

BUILDING SEWER: A sewer conveying wastewater from the premises of a user to the public sewer.

BYPASS: The intentional diversion of waste streams from any portion of any industrial user's treatment facility.

CATEGORICAL STANDARDS: Federal categorical pretreatment standards or pretreatment standards.

TOWN: The administrative head of the town and/or his delegated representative or the mayor and board of commissioners.

COMBINED SEWER: A sewer receiving both surface runoff and

sewage.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY: Shall refer to the "approval authority", defined hereinabove; or the director if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

COOLING WATER: The water discharged from any use such as air conditioning, cooling or refrigeration.

DIRECT DISCHARGE: The discharge of treated or untreated wastewater directly to the waters of the state.

DIRECTOR OF ENGINEERING SERVICES: The town engineer or his duly authorized representative.

TOWN'S ENGINEER: The town of Okeene Town's engineer or his duly authorized representative designated by the town manager to administer, implement and enforce the provisions of this chapter.

ENVIRONMENTAL ENFORCEMENT BOARD: The five (5) member board that hears appeals from the decisions made at administrative hearings.

ENVIRONMENTAL PROTECTION AGENCY, OR EPA: The U.S. environmental protection agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official.

EXISTING SOURCE: Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

FEDERAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARDS: A regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 USC 1347) which applies to a specific category of industrial users. This term includes prohibited discharge limits established pursuant to section 403.5 of title 40 CFR.

GRAB SAMPLE: An individual sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and collected over a period of time, not to exceed fifteen (15) minutes in duration.

HOLDING TANK WASTE: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE: The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b), (c) or (d) of the act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER: A source of indirect discharge.

INFILTRATION: "Water", as herein defined, entering the sanitary sewer system, including private sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, perimeter drains, or manhole walls. "Infiltration" does not include, and is distinguished from, "inflow".

INFILTRATION/INFLOW: A combination of infiltration and inflow waters entering the sanitary sewer lines, with no way of distinguishing the basic source, and which tends to cause an overloading of the capacities of the sanitary sewer system.

INFLOW: Water discharged into the sanitary sewer system, including service connection from means such as, but not limited to, roof downspout or leaders, cellar, yard, driveway and area drains, sump pumps, open foundations and/or perimeter drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, surface runoff, street wastewater, or drainage. "Inflow" does not include, and is distinguished from, "infiltration".

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge which alone or in conjunction with a discharge or discharges from other sources: a) inhibits or disrupts the POTW treatment processes or operations or its sludge processes, use or disposal; and b) therefore, contributes to a violation of any requirement of the town's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the clean water act (33 USC 1345); or any criteria, guidelines, or

regulations developed pursuant to the solid waste disposal act (SWDA), including title II commonly referred to as the resource conservation and recovery act (RCRA); or more stringent state criteria contained in any sludge management plan prepared pursuant to subtitle D, of the SWDA; the clean air act; the toxic substance control act; and the marine protection, research and sanctuaries act.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A permit issued pursuant to section 402 of the act (33 USC 1342).

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD, OR STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or ground water.

NEW SOURCE: A. Any source from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards of the act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that section; provided, that: 1) construction is at a site where no other source is located; 2) process or production equipment causing discharge is totally replaced due to construction; or 3) the production of the waste stream of the facility is substantially independent of existing sources at the same site. B. Construction of a new source has commenced, if the owner or operator has: 1) begun installation/assembly of facilities or equipment; 2) begun significant site preparation for installation/assembly; or 3) entered into binding nonstructural obligation for the purchase of facility equipment which is intended to be used in the operation within a reasonable time.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product and to which the only pollutant added is heat.

NOTICE: If the structure and/or real property to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure and/or real property is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure and/or real property and request entry.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY OR ODEQ: The approval authority agency for the state of Oklahoma.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and measured in standard units (su).

POTW TREATMENT PLANT: This portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

PASS THROUGH: A discharge which exits the POTW into the waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, heirs, successors or assigns. This definition includes all federal, state or local governmental entities.

POLLUTANT: Any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION: The manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other

means, except as prohibited by section 403.6(d) of title 40 CFR. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection 403.6(e) of title 40 CFR.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled, operated and maintained by the town; the same being an integral part of the POTW.

PUBLIC UTILITIES DIRECTOR: The public utilities director or his duly authorized representative who is charged with certain duties and responsibilities by the provisions of this article.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by section 212 of the act, which is owned by a state or municipality (as defined by section 502(4) of the act). This definition includes any devices and systems used in the collection, pumping, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipe and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "municipality" as defined in section 502(4) of the act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

SANITARY SEWAGE: The liquid waste which may or may not contain solids, originating in the sanitary conveniences for personnel of a dwelling, business building, factory, industrial facility, institution or other place.

SANITARY SEWER: A sewer, which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

SEARCH WARRANTS: If, after proper request, entry or access is refused, or otherwise permission to inspect the property is not granted, the representative shall make application to a court

of competent jurisdiction for a search warrant to permit such inspection.

SERVICE LINE OR HOUSE SERVICE LINE: That portion of a sewer, located on the premises of the user, extending from the building drain to the public sewer, and the operation and maintenance of such portion of the sewer shall be the responsibility of the user; further, the terms "service line" or "house service line" shall be synonymous with the term "building sewer" hereinabove set forth.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes the facilities to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

SEWER: A pipe or conduit for carrying wastewater or storm water.

SHALL/MAY: "Shall" is mandatory; "may" is permissive or discretionary.

SIGNIFICANT INDUSTRIAL USER (SIU): Any industrial user of the town's wastewater disposal system who: a) is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; b) any other non-categorical industrial user that: 1) has a discharge flow of twenty five thousand (25,000) gallons or more per average work day of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blow down wastewaters); 2) has a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD_5, TSS, etc.) capacity of the POTW treatment plant; 3) the wastewater toxic pollutants as defined pursuant to section 307, of the act or state statutes or rules; or 4) is found by the town, the state or the U.S. environmental protection agency (EPA) to have a reasonable potential for adversely affecting the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination, endangerment of POTW workers, or air emissions generated by the system), or for violating any pretreatment standard or requirement, either singly or in combination with other contributing industries.

SLUG: Any discharge of a non-routine episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC): A classification pursuant to the standard industrial classification manual issued by the executive office of the president, office of management and budget, 1987.

STORM SEWER OR STORM DRAIN: A sewer pipe or manmade watercourse, which carries storm water and surface water and drainage, but excludes wastewater.

STORM WATER: Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

SUPERINTENDENT: The superintendent or supervisor of the water pollution control plant, or the individual designated by the town manager to fill the position or assume the duties of the superintendent or supervisor of the water pollution control plant who is charged by the town manager to implement the provisions of the NPDES permit.

SUSPENDED SOLIDS: Matter that either floats on the surface of, or is suspended in, water, wastewater, sewage or other liquids, and which are removable by laboratory filtering.

TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provision of CWA section 307(a) or other acts.

TREATMENT PLANT EFFLUENT: Any discharge from the POTW into waters of the state.

UPSET: An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations.

USE OR USER OF THE SANITARY SEWER: Any person who contributes, causes or permits the contribution of wastewater into the town's POTW; and further the terms "user" or "user of the sanitary sewage system" shall also mean any person receiving town water service and who has a connection with the town's sewage system, or, in the case where a private water supply is used, the proprietor of the location having the sewer connection.

WASTEWATER: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW for treatment and disposal. "Sewage" may include chemicals, household waste, laundry waste, human excrement, animal or vegetable matter in suspension or solution, and other solids in suspension or solution.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1994 Code § 34-61.1; and. 2003 Code)

SECTION 17-403 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD_5	Biochemical oxygen demand
CFR	Code of federal regulations
COD	Chemical oxygen demand
EPA	Environmental protection agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid waste disposal act, 42 USC 6901 et seq.
TSS	Total suspended solids

USC United States Code

SECTION 17-404 CHARGES AND FEES.

After the effective date of this Article, the Town Board of Trustees, for the purpose of defraying cost of implementing and operating the town's pretreatment program, shall have the power and authority, by the adoption of a duly enacted ordinance, to require the payment of the following:

A. Fees for reimbursement of costs of setting up and operating the town's pretreatment program;

B. Fees for monitoring, inspections[2] and surveillance procedures;

C. Fees for reviewing accidental discharge procedures and construction;

D. Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards;

E. Fees for surcharges; and

F. Any other fees as the town may deem necessary to carry out the requirements contained herein.

SECTION 17-405 SEWER CONNECTION REQUIRED.

A. The owners of all houses, building or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Authority, are hereby required at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within sixty (60) days after the date of official notice to do so; provided, that such public sewer is within three hundred (300) feet of the property line. Connection shall be required at the time of issuance of any building permit and before issuance of a certificate of occupancy. It is the declared intent of the Town Board of Trustees that required connection to the town sanitary sewer system promotes the health, safety and welfare of the community.

B. Said notice shall be served by a designated agent of the Authority by delivering a true and correct copy to the property owner, or leaving the same at his usual place of

residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Any person who shall fail, neglect or refuse to comply within ninety (90) days after the date of official notice to do so shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Authority may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made to the dwelling.

D. Deposits Of Garbage, Objectionable Wastes: No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

E. Subdivisions: This section shall not be construed to limit the town's authority to require extensions and connections for new development pursuant to subdivisions of land or subdivision regulations of the town.

F. Compliance Required: No person who owns, rents or is in control of a building or structure, which is required to be connected to a sanitary sewer, shall fail to connect to such sanitary sewer.

SECTION 17-406 SANITARY SEWERS, ALTERNATE DISPOSAL.

A. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage within the corporate limits of the Town.

B. Where a connection to a public sanitary sewer line is not required under the provisions of 17-405, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Health Officer and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

C. In the event geographical, topical, or other terrain features prevent direct connecting into the public sewage

disposal system, no private sewage disposal system will be authorized when a lift station will suffice.

D. Construction of a private sewage disposal system, is prohibited unless and until authorization is granted by the Authority or until he proposed construction has been approved by the Oklahoma State Department of Health.

E. The owner of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the Town, Authority, and no statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State Health Officer.

F. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 17-405, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

SECTION 17-407 DISCHARGE OF SEWAGE AND POLLUTED WATER TO NATURAL OUTLET.

No person shall discharge to any natural outlet, or waters of the state within the town, or in any area under the jurisdiction of the town, any wastewater, except where suitable treatment has been provided in accordance with the provisions of this article.

SECTION 17-408 DISCHARGE OF STORM WATER AND GROUND WATER.

A. Discharge to Sanitary Sewer Prohibited: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to any sanitary sewer.

B. Discharge to Storm Sewers: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet. Non-contact cooling water or unpolluted process waters may be discharged, on approval of the state, to a storm sewer or natural outlet.

SECTION 17-409 DISCHARGE OF CERTAIN WATERS OR WASTES TO SANITARY SEWER.

A. General Prohibitions: No user shall contribute or cause to be contributed, directly or indirectly, into the POTW any pollutant or wastewater which will interfere with the operation or performance of or pass through the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the POTW:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Pollutants which cause a fire or explosion hazard to the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees centigrade (60°C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system or as determined by the town engineer.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of or pass through the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($^1/_2$") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origins, mud, or glass grindings or polishing wastes.

3. Any wastewater having a pH less than 5.5, or having a pH greater than 11.0, or wastewater having any other corrosive

property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the act.

5. Any noxious, or malodorous or toxic liquids, gases, vapors, fumes, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient enough that may cause acute worker health and safety problems at the POTW or may prevent entry into the sewer system for maintenance and repair.

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substance control act, or state criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES permit or the state water quality standards.

8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case shall wastewater effluent be discharged from any users into the sewer system at temperatures which exceed one hundred fifty degrees Fahrenheit (150°F) (65 degrees centigrade) or in no case shall heat be discharged from any user in such quantities that the influent temperature at the town's POTW will exceed one hundred four degrees Fahrenheit (104°F) (40 degrees centigrade).

10. Any pollutants, including oxygen-demanding pollutants (BOD_5, etc.) released in a discharge rate and/or pollutant concentration which will cause interference to the POTW.

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town's engineer in compliance with applicable state and federal regulation.

12. Any wastewater which causes a hazard to human life or creates a public nuisance.

13. Any trucked or hauled waste unless authorized pursuant to this article.

B. Rulings of Town's engineer: When the Town's engineer determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Town's engineer shall:

1. Advise the user of the impact of the contribution of the POTW;

2. Require pretreatment to an acceptable condition for discharge to the sanitary sewer;

3. Develop effluent limitations for such user to correct the interference with the POTW;

4. Reject the waste; or

5. Require control over the quantities and rates of discharge.

C. Pretreatment Plans and Equipment: If the town permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the town, and subject to the requirements of all applicable rules, ordinances, and laws.

D. Town Right to Establish Stringent Limitations: The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW system if deemed necessary to comply with the objectives of suitable treatment as defined in this article.

SECTION 17-410 GREASE, OIL AND SAND TRAPS AND INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town, and shall be located as to be readily and easily accessible for cleaning and inspection. The frequency of cleaning required will be dependent upon loading, capacity of interceptors, and flow obstruction problems experienced at each facility historically. Therefore, the town shall have the authority to establish a minimum grease interceptor cleaning frequency as needed for each user. Materials removed from these interceptors shall be disposed of at designated approved locations.

A. Traps and Interceptors Required: Traps and interceptors for oil, grease, sand and other substances harmful to the building drainage system, the public sewer or sewage treatment plant, or processes shall be provided as required in this section. Where food waste grinders connect to grease interceptors, the grease interceptor shall be sized and rated for the discharge of the food waste grinder.

B. Traps Not Required: A trap shall not be required for individual dwelling units or any private living quarters.

C. Size, Type And Location Approved: The size, type and location of each trap or interceptor shall be of a type and capacity as defined in the international plumbing code and shall be approved by the town. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be properly inspected following construction by the town and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. Grease Traps: Grease traps shall conform to the plumbing and drainage institute (PDI) G101 requirements and shall be installed in accordance with manufacturer's instructions. Refer to the international plumbing code; table 1003.3.4.1 "Capacity of Grease Traps".

E. Grease Interceptors: A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in the following establishments: restaurants, hotel kitchens, hospitals, school kitchens, factory kitchens, clubs, cafeterias, drive ins, food processing establishments, and in any

bar, lounge, private club or fountain where food in prepared or served, or where dishes, glasses, pots, pans or other kitchen wares are washed, or any other establishment where grease can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. The Town's engineer shall have the authority to require installation of a trap or interceptor in any establishment when, in his opinion, one is required based on evidence that the establishment is contributing grease into the town's sewer mains in quantities that could effect line stoppage or hinder sewage disposal.

F. Oil Separators: An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the Town's engineer, oils and other flammables can be introduced or admitted into the public sewer by accident or otherwise.

G. Separators Required: At repair garages; gasoline stations with grease racks, grease pits or work racks; and at factories where oily liquid wastes are produced, separators shall be installed into which all oil bearing or grease bearing wastes shall be discharged before emptying in the building drainage system or other point of disposal.

H. Separation of Liquids: A mixture of treated or untreated light and heavy liquids with various specific gravities shall be separated in an approved receptacle.

I. Garages and Service Stations: Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, separators shall be required. Parking garages in which servicing, repairing or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.

J. Sand Interceptors In Commercial Establishments: Sand and similar interceptors for heavy solids shall be designed and located so as to be provided with ready access for cleaning.

K. Laundries: Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning that prevents passage into the drainage system of solids one-half inch ($^1/_2$") (12.7 mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewerage system.

L. Bottling Establishments: Bottling plants shall discharge process wastes into an interceptor that will provide

for the separation of broken glass or other solids before discharging into the drainage system.

M. Slaughterhouses: Slaughtering room and dressing room drains shall be equipped with approved separators. The separator shall prevent the discharge into the drainage system of feathers, entrails and other materials that cause clogging.

N. Right of Entry: The town and its agents shall have the right of entry, during usual business hours, to conduct a random inspection of traps, interceptor or separator.

O. Grease Traps For Businesses, Approval: Any grease traps or interceptors for new or remodeled businesses shall be approved by the Town's engineer prior to construction.

P. Violation Suspected; Notice; Hearing:

1. When the town determines that there may be potential violation, a site visit will be conducted. Any user found to be in violation of this section should be served by the town with written notice stating the violation and providing five (5) days to respond to the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. After the violator's response has been received, a follow up site visit will be conducted to determine if the violation has been corrected.

3. If the user fails to respond to the violation letter, an administrative hearing will be held and the user will be subject to administrative penalties at that time.

4. In the event an establishment is cited with a second violation within six (6) months of the first, an administrative hearing will be held and the user will be subject to administrative penalties at that time.

5. A third citation within six (6) months from the first violation will cause the town to immediately discontinue water service to the establishment for a period of not less than ten (10) days, during which time the offender shall correct the violation.

Q. Civil or Criminal Litigation: Any person who shall continue any violation beyond the time limit provided for in subsection P of this section shall be subject to specified civil

or criminal litigation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 17-411 CONTROL MANHOLES AND METERS.

When required by the town, the owner of any property serviced by a building sewer carrying wastewater shall install a suitable control manhole together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and flow measurement. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 17-412 ACCIDENTAL DISCHARGES, SLUG LOAD OR UPSET.

A. Procedure for Providing Protection: Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Procedures to prevent adverse impact from accidental discharges include: inspection and maintenance of storage areas, handling and transferring of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic solvents, and/or measures and equipment for emergency response.

1. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

2. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

4. No user who contributes to the POTW shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve

the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

B. Notify POTW of Incident; Reports: In the case of an accidental discharge or slug load or upset, it is the responsibility of the user to immediately telephone and notify the POTW of the incident including any discharge that violates a prohibited substance of the permit. The notification shall include location of the discharge, date and time thereof, the time within which compliance is expected to reoccur, type of pollutant, concentration and volume, and corrective actions to reduce, eliminate or prevent reoccurrence within twenty four (24) hours of being aware of the upset.

1. Within five (5) days following an accidental discharge, the user shall submit to the Town's engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

2. The town shall evaluate, at least once every two (2) years, whether each significant industrial user (SIU) needs a plan to control slug discharges. The evaluations will be documented in the SIU's file. If the town decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including non-routine batch discharges; and

b. Description of stored chemicals.

c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges provided in this article.

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic

pollutants (including solvents), and/or measures and equipment for emergency response.

SECTION 17-413 TRUCKED OR HAULED WASTEWATER.

Trucked or hauled waste, including septic tank and industrial sewage are not accepted unless the town administrator determines that the waste does not violate any requirements established or adopted by the town (e.g., local limits, etc.).

SECTION 17-414 SPECIFIC LOCAL LIMITS.

The following pollutant limits are established to protect against pass through and interference at the POTW. In addition to all the aforementioned limitations contained in this article, all indirect discharges to the POTW shall not exceed the following limits at any time. These limits, unlike categorical limits, which apply at the end of the process stream, apply at the discharge point to the sewer. The limits represent total concentrations for all applicable pollutants.

0.28 mg/l (T) arsenic (AS)

0.13 mg/l (T) cadmium (CD)

3.10 mg/l (T) chromium (CR)

0.93 mg/l (T) copper (CU)

0.62 mg/l (T) lead (PB)

2.04 mg/l (T) nickel (NI)

1.25 mg/l (T) silver (AG)

1.19 mg/l (T) zinc (ZN)

0.02 mg/l (T) mercury (HG)

0.14 mg/l (T) cyanide (CN)

60.1 mg/l (T) phenols and phenolic compounds

200 mg/l (T) oil and grease (O&G)

5.5 - 11.0 pH

150°F temperature

(T) = total

SECTION 17-415 STATE REQUIREMENTS; TOWN RIGHT TO REVISE.

A. Application of State Requirements: State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

B. Town Right to Increase Restrictions: The town reserves the right to increase the restrictions on compounds covered by the federal categorical pretreatment standards, and to adopt more stringent limitations or requirements on discharges to the wastewater system, if the same are deemed necessary to comply with the objectives of suitable treatment as defined and set forth in this article.

SECTION 17-416 PRETREATMENT STANDARDS ADOPTED SOLELY BY TOWN; HEARING.

The town is hereby granted the authority to establish pretreatment and effluent discharge standards on its own initiative. In the event new discharge standards, solely initiated and adopted by the town, or revisions to existing town standards are considered, a public hearing shall be held before the Town Board of Trustees prior to the adoption thereof. Notice of such hearing shall be published at least fifteen (15) days prior to the hearing, in a legal publication of general circulation within the town. In addition, all known users and other interested parties affected by the proposed standards shall be mailed written notice of the public hearing. Comments and suggestions received at the public hearing shall be considered during the preparation of the town's final effluent discharge standards.

SECTION 17-417 EXCESSIVE DISCHARGE.

No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the local limits or federal categorical pretreatment standards.

SECTION 17-418 MAINTENANCE OF PRETREATMENT FACILITIES.

A. Owner Responsibility: Where pretreatment or flow equalizing facilities are provided for any wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

B. Bypass Of Treatment Facilities:

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage, or no feasible alternatives exist.

2. The user may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to ensure efficient operation.

3. Notification of Bypass:

a. Anticipated Bypass: If the user knows in advance of the need for a bypass, it shall submit prior written notice, if possible, at least ten (10) days before the date of the bypass, to the town.

b. Unanticipated Bypass: The user shall submit oral notice to the town within twenty four (24) hours and submit a written notice within five (5) days. This report shall specify:

(1) A description of the bypass and its cause, including its duration, exact time and date; and

(2) Whether the bypass has been corrected; and if the bypass is not corrected, the anticipated time it is expected to continue; and

(3) The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

SECTION 17-419 MONITORING FACILITIES.

A. Placement Of Facilities: The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurements of the building sewer and/or internal drainage system. The monitoring facility should normally be situated in the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The user shall be responsible for relocation of the facility, if necessary, for street improvements or public utility construction, maintenance or repairs. The monitoring facility designed by the industrial user as the proper sampling site for regulated categorical or industrial processes will be approved by the town prior to the use of such facility.

B. Sampling Manhole: There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Compliance with Town Standards: Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town.

D. Excessive Pollutants Detected: In the event an excessive or shock load of pollutants are detected anywhere in the POTW or received at the POTW treatment plant, the town may require demand monitoring procedures in order to discover the source of such discharge into the POTW. "Demand monitoring" means the use of all necessary measures and equipment for the purpose of determining the users who have created, or contributed to, the harmful discharge of problem pollutants. When the user or users have been identified, the town shall have the authority to assess the cost of demand monitoring against the offending user.

SECTION 17-420 PENALTIES.

A. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. Any person found to be violating any provision of this Article shall be served by the owner with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall continue any violation beyond the time limit provided for in this section shall be deemed guilty of a violation thereof, and upon conviction thereof shall be punished as provided in Section 1-108 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

D. Failure to pay monthly bills for water or sanitary sewer service when due or repeated discharge of prohibited waste

to the sanitary sewer shall result in disconnection of any and all services to the water or sanitary sewer lines of the owner.

Note: This Article 4 was added by Ordinance No. 2013-07 approved on 7/9/2013.

ARTICLE 5

SOLID WASTE COLLECTION AND DISPOSAL

Section 17-501 DEFINITIONS

For purpose of this Article, the following words shall have the following meanings:

A. Bags: Weather resistant plastic bags, securely tied about the top, and of sufficient strength to hold the load when picked up and carried without supporting the bottom, into which all residential users shall place their garbage and refuse. If the garbage and refuse is placed in such properly secured plastic bags, the plastic bags can be placed for collection without the necessity of placing such plastic bags in a secondary container or other trash can. If the Contractor provides poly-carts, the garbage and refuse must be bagged as provided herein before placement into the poly-cart.

B. Bulky Waste: Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than Construction Debris, Dead Animals or Hazardous Waste with weights or volumes greater than those allowed for Bins or Containers, as the case may be.

C. Town: The Town of Okeene, Oklahoma.

D. Collectible limbs and brush: Trees, shrubs and brush trimmings, placed for collection by the Contractor, securely tied together forming an easily handled package, not exceeding four (4) feet in length or 50 lbs. in weight, and placed at the regular place of collection.

E. Commercial and Industrial Unit: All premises, locations or entities, public or private, requiring solid waste collection, not a Residential Unit.

F. Construction Debris: Waste building materials resulting from construction, remodeling, repair or demolition operations.

G. Container: A two (2) cubic yard receptacle used for commercial and industrial solid waste users.

H. Contractor: The person, corporation or partnership performing solid waste collection and disposal services for the Town.

I. Dead Animal: Animals that have expired from any cause.

J. Disposal Site: A solid waste depository, including but not limited to sanitary landfills and/or convenience centers, licensed, permitted or approved to receive for processing or final disposal of solid waste by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

K. Garbage: Every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); excepting (in all cases) any matter included in the definition of Bulky Waste, Construction Debris, Dead Animals, Hazardous Waste or Rubbish.

L. Hazardous Waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State Law.

M. Location: All bags or poly-carts for residential collection shall be located in the alley (or within ten feet (10') of the traveled portion of the roadway or street, if no alley access exists) or at such other location on the user's premises as designated by the Town Administrator. For disabled residential users, the term “location” shall mean placement of the garbage and refuse not more than seventy-five feet (75') from the street.

N. Refuse: This term shall refer to Rubbish, Bulky Waste, Construction Debris and Collectible limbs and brush.

O. Residential Unit: A dwelling within the corporate limits of the Town occupied by a person or group of persons comprising not more than two families. A Residential Unit shall be deemed occupied when either water or electric services are being supplied thereto. A condominium dwelling, whether of single or multilevel construction, consisting of four or more continuous

or separate single-family dwelling units, shall be treated as a Unit, with a common refuse container or containers, except that each single-family dwelling within any such Unit will be billed either separately as a Residential Unit or collectively on a single bill to the management as a multiple of Residential Units an appropriate extension of the residential rates.

P. Rubbish: All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of Bulky Waste, Construction Debris, Dead Animals, Garbage or Hazardous Waste.

Q. User: An occupant of a Commercial, Industrial, or Residential Unit who generates refuse.

Section 17-502 USE REQUIRED

Except as herein otherwise authorized by the Town Administrator, all garbage and refuse accumulated in the Town shall be collected, conveyed and disposed of by the Town, or the Contractor, and not by any other person.

Section 17-503 TOWN ADMINISTRATOR

All garbage and refuse accumulated in the Town shall be collected, conveyed and disposed of by the Contractor, under the supervision of the Town Administrator. The Town Administrator is hereby authorized to implement the duties and obligations of the Town and to supervise the actions of the Contractor pursuant to the terms and conditions of the Contract in effect between the Town and Contractor (hereinafter the "Contract"). Such Contract, and any amendment thereto in the future, is hereby incorporated into this Article by reference as if fully set out.

Section 17-504 COLLECTION PRACTICES--GENERALLY

A. Collection Location. Garbage and refuse shall be placed for collection by all users in a location as directed by the Contract and Town Administrator.

B. Poly-carts: If a poly-cart is furnished for use to the residential user, it shall be used by such residential user. Curbside residential service requires the placement of garbage

and refuse in bags and in poly-carts, if provided by the Contractor.

C. Sharing Commercial Containers. In commercial areas where users have small volumes of waste, arrangements may be made with the Town for such users to share containers and their cost. Such arrangements shall be made with the knowledge and consent of the Town.

D. Holidays. Collections will not be made on the following holidays:

1. New Year's Day
2. Memorial Day;
3. Independence Day;
4. Labor Day;
5. Thanksgiving Day;
6. Christmas Day.

If a collection day falls on a holiday, collection will be the following day for commercial and industrial users and on the next regularly scheduled pickup day for residential users.

E. Complaints about Contractor to Town. If any user maintains the Contractor is in violation of the Town's ordinances or the Contract, the user shall report such matter to the Town Administrator who shall investigate same and take appropriate action.

F. Complaints about Contractor to Contractor. All complaints made directly by users to the Contractor shall be recorded in writing by the Contractor and shall be given prompt and courteous attention. The record shall report the following information: (i) name of complaining user, (ii) nature of the complaint, including time and date of complaint, (iii) any reason of Contractor for nonperformance, and (iv) the date and time of correction by Contractor, if any. If, within any given month, the Contractor shall fail to record any such complaint, the same shall be deemed an act of noncompliance. The Town may review these records of the Contractor at any time. In the case of an alleged missed scheduled collection, the Contractor shall investigate and if such allegations are verified, shall arrange for the collection of the refuse not collected within 24 hours after the complaint is received or within eight (8) working hours after a collection order is issued by the Town, whichever occurs sooner. Contractor shall, at its own expense, provide a manned telephone answering service during regular office hours Monday through Friday, 8:00 A.M. to 5:00 P.M., for the purpose of handling complaints and other calls regarding collection and

disposal services provided by Contractor. Contractor shall secure an annual toll-free telephone listing which can be used at no cost by the users.

G. Rates Charged the Public. The Town may charge the users for solid waste collection and disposal services such monthly rates as are approved by motion or resolution of the town or authority.

H. Miscellaneous Rules.

1. Users may place one discarded Christmas tree for collection during the two-week collection scheduled by the Town.

2. Extra refuse and garbage collection will be provided on an on-call basis for each and every user. Extra refuse and garbage collection may consist of unbundled landscape waste and bulky items such as furniture, carpet and white goods, building refuse resulting from demolition or construction projects, and any other items too large for the regular solid waste collection routes to accept. Extra refuse and garbage collection as described above that cannot be collected by the regular solid waste collection route will be paid for separately by the user. Contractor's price per loose cubic yard of extra refuse and garbage collection shall be as set out in the contract.

3. Pickup at each user's location shall be done in such a manner as to avoid spills whenever possible. All materials hauled by Contractor shall be contained, tied or enclosed to prevent any leaking, spilling or blowing. Any spills that do occur shall be promptly cleaned up by Contractor at no cost to the Town or the user.

4. Each user shall provide access to the Contractor to the area where the garbage and refuse deposited for collection is to be placed.

5. All provisions contained in the Contract and pertaining to users shall be followed at all times by the user and Contractor.

Section 17-505 STORING OF TRASH.

A. No person shall place any trash in any street, alley, or other public place, or on any private property, whether owned by said person or not, except in proper containers for collection or under express approval granted by the Town, nor shall any person throw or deposit any trash in any stream or other body of water.

B. Any unauthorized accumulation of trash on any premises is hereby declared to be a nuisance and is hereby prohibited.

C. No person shall cast, place, sweep or deposit anywhere within the Town any trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

Section 17-506 POINTS OF COLLECTION FOR BRUSH AND YARD TRIMMINGS

Collectible limbs and brush and yard trimmings shall be placed within ten (10) feet of the curb of the street from which collection is made or at the edge of the roadway where there is no curb or at such other location as designated by the Town Administrator.

Section 17-507 OTHER MATTERS

A. The removal of wearing material, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Town Administrator. Such refuse shall not be placed in containers for regular collection.

B. Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Town Administrator at the expense of the owner or possessor thereof.

C. The actual producers of refuse or the owners of premises upon which refuse is accumulated, other than residential, who desire personally to collect and dispose of such refuse, or persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside the Town who desire to haul over the streets of the Town shall use a watertight vehicle so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. All such collection and containers shall be approved by the Town. Disposal of such refuse shall be made outside the limits of the Town, except as specifically permitted by the Town.

D. Carry out service shall be provided for the disabled person if such individual provides certification to the Town Administrator that he/she is the head of household and provides documentation from a recognized agency (social security, veterans administration) private insurance company, pension fund or other disability documentation acceptable to the Town Administrator and further certifies that no other person or member of the household

is physically capable of placing the container for curb side service and further certifies the address where the applicant resides. If such documentation is approved by the Town Administrator, the user will receive carry out service at curb side rates. Any person making a false or incorrect certification shall be guilty of an offense and shall further be liable for the monthly charges for carry out service for the prior months the person received such service at curb side rates. Certifications must be renewed on July 1 of each year.

E. The charges for residential, commercial and industrial service shall be as provided by motion or resolution of th town or authority. A user or customer failing to pay the refuse collection charge on or before the date the charge becomes due shall be charged a late payment penalty of ten (10) percent in addition to the regular bill; and if not paid thereafter as provided in this code, such delinquency shall be cause for immediate discontinuing or disconnecting of the water connection or refuse collection service or both (after following all Town administrative procedures for disconnecting a utility). Penalties, charges and fees shall be paid before either or both the refuse collection service and water service are reestablished. The stoppage of services for nonpayment of collection charges shall be in addition to the right of the Town to proceed for the collection of unpaid charges through legal action.

Section 17-508 USE OF ANOTHER'S TRASH CONTAINER

Except as otherwise provided herein, it shall be unlawful for any person to use another person's trash container, whether the container is furnished by the Town or the Contractor or by the individual or some other person, without permission of such other person.

ARTICLE 6

ELECTRIC SYSTEM

Section 17-601 ACTS AUTHORIZED.

Any act in this chapter required to be done by the authority shall be done on its behalf by an authorized employee of the electric department.

Section 17-602 CONNECTION TO ELECTRICAL SERVICE, APPLICATION.

Any person desiring to have premises connected with the electrical distribution system of the authority shall make

application to the authority. The application shall contain the name of the applicant, the lot and block number, the address, the kind of building and the name of the owner or account. When the application has been properly filed and the deposit made as set forth, the authority shall inspect the premises. If the premises conform with the rules and regulations of the authority for distribution of the electrical current, then the application shall be approved and the installation made. For a new customer, a reasonable time, normally not to exceed three (3) months time, shall be allowed to determine his service requirements before definitely selecting the appropriate rate schedule. Once selected, a rate adapted to his service may not change to another rate within a twelve (12) month period unless there is substantial change in the character or conditions of his service.

Section 17-603 - Section 17-606 RESERVED.

Section 17-607 STANDARDS FOR WIRING AND APPARATUS, REFUSAL TO CONNECT.

All electric wiring and apparatus connected, or to be connected to the Town's distribution system shall be made, installed, and maintained in accordance with the requirements of the electric code adopted by the Town. The Town reserves the right to refuse to connect to any wiring or apparatus which does not meet these requirements and the Town may, without further notice, discontinue service to any customer when a defective condition of wiring or equipment on the premises of the customer results, or is likely to result, in interference with proper service.

Section 17-608 DISCONTINUATION, RE-CONNECTION.

If at any time a person should desire to discontinue the use of electric service, he shall notify the Town in writing and shall accompany his application with all the arrears, if any there be, and in case the application is not accompanied with such charges, then the Town shall deduct from any deposit the amount of the electrical charges against the meter, and the balance of the deposit, if any there be, shall be returned to the person making the application. The Town shall be authorized in the default of the application to pay such bills as rendered each thirty (30) days, to charge the same against any meter deposit provided for, and when the amount of such charge shall exceed the amount of the deposit, the Town shall be authorized to discontinue the services until such arrears have been paid in full. Customers' bills will be subject to penalties, disconnection and other procedures as generally provided in this chapter. The Town shall charge and collect a service charge from

each customer for re-connection of electrical service after disconnection for failure to make payment of monthly bills.

Section 17-609 RATES AND CHARGES; REFUSE TO CONNECT

A. The town or authority shall charge and collect such rates and charges for use of the electric system as is set by motion or resolution.

B. The Town reserves the right to refuse to connect any electric user to the electric system of the Town by underground connection, but only in the event that the Electric Superintendent reasonably believes that such connection or installation will adversely effect the overall electric system, that such connection would be unsafe or any other reason based on sound electric theory or principles.

SECTION 17-610 TEMPORARY ELECTRIC SERVICE; COST; REQUIRED DEPOSIT.

Any person desiring to have any premises or property temporarily connected with the electrical distribution system of the authority shall make application with the Town Administrator or designee. The application shall contain the name of the applicant, address, type or kind of temporary service and the name of the owner or account. A deposit (in cash or other acceptable payment type) in the minimum amount of the estimated cost for the installation of the service shall be paid to the Authority prior making such connection, to include the actual hourly rate (including an estimate of the employee benefits computed as a hourly amount and added to the rate) for all employee(s) involved in making the temporary service connection, the cost of all materials, and the current FEMA per hour rate for the use of each specialized vehicle(s) necessary to perform the work. In the event that the final cost for the temporary electric service connection is greater than the amount of the posted deposit, the applicant shall pay the authority the difference. In the event that the final cost for the temporary electric service connection is less than the amount of the posted deposit, the authority shall credit the account with such difference and/or pay the applicant the difference upon termination of the account. When the application has been properly filed and the deposit made as set forth, the authority shall schedule and perform the temporary electric service connection.

Note: This section was approved as Ordinance No. 2016-5 on April 12, 2016.

ARTICLE 7

NATURAL GAS FRANCHISE

Section 17-701 FRANCHISE GRANTED.

There is hereby granted to the Arkansas Louisiana Gas Company, a Delaware Corporation, its successors and assigns (hereinafter referred to as the "grantee" and the word "Grantee" shall include and be taken to mean the successors and assigns of Arkansas Louisiana Gas Company, consent to assignment being given) a franchise for a period of twenty-five (25) years from and after the acceptance hereof to use the streets, alleys, avenues, ways and other public places of the town of Okeene, Blaine County, Oklahoma, as now constituted, and as may hereafter be extended, for the purpose of transporting in and through and the selling and distributing of natural or artificial gas to said town, its inhabitants, and the public generally for domestic, commercial and industrial uses, together with the right to enter upon and open the streets, alleys, avenues, lanes, parkings, boulevards, sidewalks, parks and other public areas or grounds of said town for the purpose of laying, repairing, building, removing and/or replacing said works, pipes, pipelines and all necessary apparatus, structures and appurtenances, provided that the previous franchise held by Grantee shall be null and void from and after its acceptance of this new franchise.

Note: Approved as Ordinance No. 79-1 on September 10, 1979 and approved by the voting electorate on October 16, 1979.

Section 17-702 GAS SERVICE

A. Grantee covenants and agrees that it will maintain efficient gas service in the town of Okeene, Blaine County, Oklahoma, under rules and regulations imposed, ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authority; provided, the Grantee shall not be liable for loss or damage caused by interruption or failure of service due to accident or breakdown to plant, lines or equipment, strikes, riot, Act of God, or the public enemy, or causes beyond the control of Grantee, or due to shutdowns for reasonable periods to make repairs to liens or distributing equipment; but Grantee agrees in such cases to exercise proper diligence in making such repairs, and to resume operation of the same without unnecessary delay.

B. Grantee shall have the right to make and enforce such reasonable rules and regulations as may be ordered or approved by the Corporation Commission of the State of Oklahoma, or by

other lawfully constituted regulatory authority, for the sale, delivery, connecting and disconnecting customers, metering of its natural or artificial gas, and the conduct of its business.

C. The Grantee shall have the right to disconnect service to customers whose meters, service lines, or appliances are found to have been tampered with or who have failed to pay for gas service, or customers or parties who resell, lease or otherwise deliver any part of the service furnished to a third person, or to persons whose service lines are in such a state of disrepair as to leak and cause a dangerous condition.

D. The Grantee shall have the right to enter in and upon the premises of a consumer or one who has been a consumer or one who has been a consumer for the purpose of removing all meters and connections owned by the Grantee from the building or premises or anyone to prevent fraud, or in the event of the refusal or failure to pay charges not exceeding those mentioned herein or otherwise stipulated in the service contract or for the purpose of determining whether or not there are any leaks which might cause a dangerous condition to exist.

E. Grantee shall charge and collect from the town of Okeene, Blaine County, Oklahoma, and the consumers herein, reasonable and compensatory rates such as may be from time to time lawfully ordered or approved by the Corporation Commission of the State of Oklahoma, or by other lawfully constituted regulatory authorities.

Section 17-703 FURNISH AND INSTALL SERVICE PIPE

Upon application by any bona fide applicant for service, Grantee shall at its own expense furnish and install service pipe of suitable capacity to the curb line (where the main is in the street) or property line (where the main is in the alley) of property abutting upon any street, highway, alley, lane or road along which the Grantee has distribution mains.

Section 17-704 DUTY TO SELL GAS; NOT EXCLUSIVE

A. During the life of this franchise, Grantee will deliver and sell to Grantor all natural or artificial gas used by it in its municipal plants and offices, and Grantor will take such natural or artificial gas from Grantee and pay therefore at rates filed with any approved by the Corporation Commission of Oklahoma.

B. It is expressly understood and agreed that this franchise shall never be construed to mean an exclusive franchise

and the grant hereof is not the grant of an exclusive franchise.

Section 17-705 TAX

From and after the approval and acceptance of this Article the Grantee shall pay, and in consideration of the granting of this franchise, agrees to pay, to the Grantor, an annual charge in the amount equal to two percent (2%) of the gross cash receipts for each current year from the sale and delivery of natural and artificial gas wholly within the corporate limits of the Grantor, for use in such corporate limits, including natural and artificial gas sold and delivered to the Grantor wholly within the corporate limits of the Grantor. Said tax shall be due to the said Grantor quarterly, in January, April, July and October of each year, but it is provided and ordained that same may be paid by applying so much thereof as may be necessary for the satisfaction and payment of bills representing the balance due the Grantee for natural and artificial gas used for municipal services of all kinds and classes, and the remaining balance of said two percent (2%) of the gross receipts, if any shall be paid to the Treasurer of said town to be placed in its general fund.

Section 17-706 METERS AND REGULATORS

The Grantee shall furnish, free of cost to consumer, all meters, or meters and regulators, which shall be and remain the property of the Grantee; but said Grantee shall not be required to furnish or install any piping or service connections of any kind for or on the property of the consumer.

Section 17-707 PIPELINES

All main pipelines and all lateral pipelines constructed or replaced during the term of this ordinance shall be installed in such a manner that the main pipelines will be buried at least thirty (30) inches and all lateral pipelines not less than twenty-four (24) inches below the established grade of said streets, avenues, and alleys.

Section 17-708 REASONABLE AND PROPER CARE

It shall be the duty of Grantee in constructing, repairing, maintaining, and/or operating its works and plant, to use all reasonable and proper care to avoid injuries to persona and property within said town, and the Grantee shall hold the Town of Okeene harmless against any damage caused by it in construction, maintaining, repairing and/or operating its gas distribution system and works and Grantee shall repair or replace at its expense all streets, alleys, walks, and property disturbed

by it. Further, Grantee shall at all times so use the privilege herein granted so as not to cause more than temporary interference with the public's right to continue to use such streets, alleys and other public ways as herefore used.

ARTICLE 8

STORM WATER DRAINAGE SYSTEM

Section 17-801 DEFINITIONS.

A. Unless otherwise provided in this Article, the following words and phrases shall have the meanings given herein.

APARTMENT: A residential facility or facilities containing more than one (1) individual dwelling units, to include 4-Plexes, Triplexes and Duplexes.

COMMERCIAL USER: A user of the Town's utilities whose business location is within the corporate limits of the Town who is charged a commercial rate for such utility service or services.

COMMON BILLED: A billing for a utility service or services for a tract that is billed to the tract as one bill and not directly to the individual units of that tract.

INDIVIDUAL BILLED: Shall mean where billing for utility service or services for a tract is by separate billing to the individual units of that tract.

MOBILE HOME PARKS: A residential community containing mobile or manufactured homes as defined in this code.

RESIDENTIAL USER: A user of the Town's utility service or services whose residence is within the corporate limits of the Town, who is charged a residential rate for utility service or services and such residential use does not constitute an Apartment or found within a Mobile Home Park as defined herein.

STORM WATER UTILITY SERVICE CHARGE: The fee levied within the boundaries of the Town for the use of the Town's storm water drainage facilities.

TOWN: The Town of Okeene.

USER: The owner, renter or lessee of a tract of land that drains storm water to the storm water drainage system.

Section 17-802 STORM WATER UTILITY SERVICE CHARGE AND EXEMPTIONS.

A. Charges Established: There is hereby established a storm water utility service charge for the Town's storm water drainage system at rates hereinafter established; provided, however, that the service charge shall not be imposed on the following types of property:

1. Town streets, rights of way, parks, and Town owned property;

2. State of Oklahoma highway rights of way;

3. Railroad rights of way;

4. Undeveloped land.

B. Monthly Rate: The monthly storm water utility service charge rate shall be charged and collected as follows:

1. Residential User: $4.00 per month

2. Commercial User: $4.00 per month

3. Apartment: $4.00 per month per individual dwelling unit

4. Mobile Home Park: $4.00 per month per individual dwelling unit

Note: This section was amended by Ordinance No. 2015-6 on October 13, 2015.

Section 17-803 COLLECTION OF SERVICE CHARGE; USE OF FEES AND CHARGES.

A. Monthly Charges; Billing; Utility Service Termination For Nonpayment:

1. The storm water utility service charges herein established for the use of the Town's storm water drainage system shall be billed to each user monthly, along with a bill for other utility service or services and such penalties as are now or may hereafter be established for other utility service bills. All collecting agencies authorized by the Town to accept payment of Town utility bills are hereby directed to advise customers of the provisions of this section.

2. In the event that any person, firm or corporation shall tender as payment an amount insufficient to pay in full all of the charges billed for water, sewer, electric, solid waste and/or storm water utility services, as applicable, the payment shall be credited to the account or accounts in accordance with accounting procedures used by the Town Clerk for utility bill payments.

3. The Town shall have the right and privilege of discontinuing any and all utility services to any premises for insufficient payment.

4. In the event that any utility account shall become delinquent, utility services may be terminated by the Town until all delinquent charges for water, sewer, electric, solid waste and/or storm water utility services, as applicable shall have been paid in full.

5. The provisions for collection provided herein shall be in addition to any rights or remedies which the Town may have under the laws of the State of Oklahoma.

6. The person or entity that has contracted for any utility service with the Town shall be responsible for paying the storm water utility service charge.

B. Use of Fees and Charges. All fees and charges assessed by this Article shall be placed in a separate account entitled Storm Water Drainage Account and shall be used, both principal and interest, only for necessary storm water drainage improvement projects, engineering and consultant costs necessary to create a master or individual drainage plan and for other storm water drainage improvement purposes within the corporate limits of the Town.

Section 17-804 ADVERSELY EFFECTING STORM WATER DRAINAGE SYSTEMS; DEFINITIONS; UNLAWFUL ACTS; EXCEPTIONS; ENFORCEMENT; PENALTY

A. Definitions. For purpose of this section the following words shall have the meanings as indicated:

"Person" shall mean any person, corporation, partnership, joint venture, limited liability company, unincorporated association and any other entity.

"Storm water drainage system" shall mean any and all systems of natural or manmade streams, pipes, drainage structures (inlets, manholes, junction boxes, etc.), ditches, low areas or any storm water drainage structure through which storm water

flows, infiltrates or discharges from any real property in the Town.

B. Unlawful Acts. It shall be a violation of this section for any person to:

Discharge, or cause to allow to be discharged, sewage, industrial wastes, or other wastes into the storm water drainage system, or component thereof, or onto driveways, sidewalks, parking lots, or other areas draining to the storm water drainage system;

A. Connect, cause, or allow to be connected to any storm water drainage system without first getting a permit issued by the town clerk for such purpose;

B. Block any storm water drainage system, including but not limited to any natural or manmade conveyance system by filling with any type of kind of material, building diversions, building walls or fences, placing trash or debris, planting trees or shrubs or any activity which would block, slow, or impede any storm water drainage system, to include natural drainage or manmade drainage systems; or

C. Change runoff characteristics or runoff patterns by cutting, filling, grading, removing land, cover, paving, constructing pipes, building ditches or any other activity that would change or modify any real property in the Town without first obtaining a permit from the town clerk.

C. Exceptions. The following activities shall not be in violation of this section if the activities are conducted in such a manner as to avoid the discharge of sewage, industrial wastes, or other wastes into the storm water drainage system:

1. Water line flushing;
2. Landscape irrigation;
3. Pumping of uncontaminated groundwater from potable water sources, foundation drains, irrigation waters, springs, or water from crawlspaces or footing drains;
4. Lawn watering;
5. Individual car washing on residential properties;
6. Swimming pool discharges;
7. Street or driveway or sidewalk washing; or
8. Any activity conducted by the town of the benefit of the health, safety and welfare of the public.

D. Enforcement.

1. The Town Administrator or his designee may enter onto

real property at any time during daylight hours to inspect, investigate, or monitor activities subject to this section.

2. Upon finding of a violation of this section, the Town Administrator or his designee may issue a notice of violation, criminal citations, stop work orders or a corrective order to any person causing or permitting a violation.

3. Whenever the Town Administrator or his designee determines that a violation has occurred, the Town Administrator or his designee shall notify the person committing or permitting the commission of the violation in writing of the violation, described the corrective action and specify the time period in which to have the violation corrected.

4. No person shall hinder, prevent, or unreasonably refuse to permit any inspection, investigation or monitoring under this section.

E. Penalty. Any person, firm, corporation or other entity who shall violate this section by act or omission, upon conviction thereof shall be subject to a fine of up to Two Hundred and Fifty Dollars ($250.00), plus court costs and state assessments, if applicable. Each day of continuing violation shall be deemed a separate offense.

Note: Approved by Ordinance No, 2015-5 on October 13, 2015.

CHAPTER 18. FEE SCHEDULE

SECTION 18-101 FEES

Pursuant to Section 1-112 of this code and for purpose of providing a clear and concise listing of the fees and charges authorized by the provisions of this code in payment for licenses, permits and services performed in accordance with the regulations and controls upon which the licenses and permits are conditioned and to provide uniformity in the supervision and administration of the issuance of licenses and permits and the collection of the amounts prescribed, a schedule of fees and charges, or fee schedule, is hereby set forth in this section. The heading gives the titles of the appropriate chapters and articles as applicable.

Code Section		Fee
	Administration and Government	
	Town Records	
2-611	Search fee	Actual cost to Town
2-612	Prepayment of estimate fee	
2-613	Copies of ordinance and other public records	

1. Twenty-five cents ($.25) for all pages to be copied;

2. One Dollar ($1.00) for the first computer printout and fifty cents ($.50) for each additional page of computer printout;

3. For certified copies, One Dollar ($1.00) per copied page;

4. For copies of documents having dimensions of eight and one half (8 ½) by fourteen (14) inches or smaller, twenty-five cents ($.25);

This section shall not apply to the following so long as another fee has been established for same:

1. Complete copies of the Town code of ordinances;

2. Copies of chapters or similar parts of this code which have been prepared in booklet form; or

3. Ordinances which have been prepared in booklet form.

If the request for copies of public records is:

1. Solely for commercial purposes; or

2. Clearly would cause excessive disruption of the public body's essential functions;

then the following document search fees shall be charged to recover the direct cost of the document search:

1. Ten Dollars ($10.00) per hour.

2. Twenty Dollars ($20.00) per hour for computer searches.

In no case shall a search fee be charged when the release of the documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully and competently performing their duties as public servants.

The Town clerk shall post a copy of the fee schedule on the public bulletin board in the Town hall and with the county clerk.

ALCOHOLIC BEVERAGES

Alcoholic Beverages and Tax

3-102 Annual occupation tax

An annual occupation tax may be levied on persons engaging in the following business or occupations within the Town in the amounts respectively indicated:

1.	Brewer	$1,250.00
2.	Distiller	3,125.00
3.	Wine maker	625.00
4.	Oklahoma wine maker	75.00
5.	Rectifier	3,125.00
6.	Wholesaler	3,500.00
7.	Class B Wholesaler	625.00
8.	Retail Package store	300.00
9.	Bottle Club	1,000.00 (initial) 900.00 (renewal)

Nonintoxicating Beverages

3-202	License fees off premises	10.00
	License fees on premises	20.00

ANIMALS

Dog and cat vaccination, tag and tax

4-121	Annual license	10.00
4-122	Lost tag	7.50

BUILDING REGULATIONS AND CODES

5-106	Building permit	1.25 per $1000 with a $10.00 minimum

Plumbing Code

5-203	Contractors annual registration (initial)	30.00
	Renewal	20.00
	Journeymen and apprentices	No fee
	Permit inspection fee	20.00

Electrical Code

5-306	Contractors Registration (per contractor) (initial)	30.00
	Renewal	20.00
	Permit inspection fee	20.00

Mechanical Code

5-403	Mechanical contractor Annual registration (initial)	30.00
	Renewal	20.00
	Mechanical inspection fee	20.00

Fair Housing

5-805	Transcribal testimony cost to be paid by requesting party	

COURT

Municipal Court

6-120	All offenses (plus court costs) by bond schedule or Section 1-108	As provided
6-126	Witness fee per day	5.00
	Witness fee per mile	0.05
	Court costs	25.00
	CLEET	9.00
	OSBI fee AFIS	3.00
	Forensic fees	5.00

HEALTH AND SANITATION

Weeds and Trash

8-105	Cleaning of weeds and trash or grass cut or mowed; actual costs will be assessed the owner	

Dilapidated Building

8-503	Dismantling and removal; actual cost will be assessed the owner	

LICENSING AND BUSINESS REGULATIONS

Occupational Licenses Fees

9-101	Certain occupations	
9-102	Separate licenses required	

Itinerate Vendors

9-207	Itinerate vendors	10.00

OFFENSES AND CRIMES

Offenses Against the Public

10-704	Supervised public displays of fireworks permit	

CEMETERY

11-211 Roselawn Cemetery Fee Schedule

Price per grave space, including cremation spaces, regardless of the number of grave spaces purchased at one time with a minimum purchase of two spaces: $250.00

PUBLIC SAFETY

Fire Department and Service

13-211 Charges for Calls Made Outside Town Limits

The following charges shall be collected for fire run services provided outside the corporate limits of the Town:

A.	Equipment Charge	$200.00 for first two (2) hours
	(Per fire vehicle)	$100.00 for each hour thereafter
B.	Labor Charge	Number of firefighters @ $12.00 per hour (no proration)
C.	Material Charge (Foam)	$15.00 per gallon
D.	Motor Vehicle Accident	
	Extrication Required	$500.00
	EMS Assist	Same as Subsection A & B

STREETS, SIDEWALKS AND PUBLIC WORKS

Excavating or Cutting Streets and Alleys

14-202	Cutting, boring or excavation, Curb	Building permit fee

TRAFFIC AND VEHICLES

Vehicle Equipment, Inspection

15-305 Width, height, length, weight or load which exceeds State Law permit

Stopping, Standing and Parking Generally

15-709 Special permits for loading or unloading at curb

Impoundment of Vehicles

15-1303 Impoundment costs and storage charges to be paid prior to release

UTILITIES

Billing and General Provisions

17-201 Utility Fees and billings in general

SECTION 18-201 VIOLATION BUREAU.

A Violations Bureau is hereby established as a division of the Office of the Clerk of the Court, to e administered by said Clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of any of the following offenses may prior to the date set for appearance in court, elect to pay a fine in the Violations Bureau according to the schedule on file in the office of the Court Clerk.

The Violations Bureau shall collect the maximum costs permitted by law when the fine is more than $10.00 in every case in which the defendant is convicted irrespective of whether or not the sentence is deferred, which fee shall cover docketing the case and filing.