CITY OF ELMORE CITY

CODE OF ORDINANCES

***Containing all of the ordinances of the City of Elmore City, Oklahoma of a general and permanent nature passed prior to July 31, 2019, and still in effect on that date.***

**ORDAINED AND PUBLISHED BY AUTHORITY OF**

**THE MAYOR AND CITY COUNCIL**

**OF THE CITY OF ELMORE CITY**

**CITY OF ELMORE CITY**

**P.O. Box 99**

**106 S. Main St.**

**Elmore City, Oklahoma 73433 (580) 788-2345**

City Officials

JULY 2019

Joel E. Crawford

Mayor

Council Members:

Derrick Tadlock

Randal McFadden

Bobby Snow

Tim Clark

Louisa Romanos

City Clerk/Treasurer

Jeromy Brown

City Attorney

TABLE OF CONTENTS

Foreword

Adopting Ordinance \* Recodified 2019

Resolution \* Updated 2013

SECTION 1 – GENERAL PROVISIONS 9

Definitions 11

Corporate Limits 17

SECTION 2 - ADMINISTRATION & GOVERNMENT 21

Government Organization 23

Retirement and Pensions 26

City Records 28

SECTION 3 – ALCOHOLIC BEVERAGES 33

Definitions 34

Non-intoxicating Beverages 40

SECTION 4 – ANIMALS 45

Definitions 48

Registration & Vaccination 54

Impoundment 55

Cruelty to Animals 56

Rabies & Animal Bites 57

SECTION 5 – BUILDING REGULATIONS & CODES 63

Building Regulations 65

Plumbing Regulations 67

Electric Regulations 69

Gas Piping 71

Liquefied Petroleum Gas 72

Housing Code 73

Mechanical 74

SECTION 6 - COURT 79

Court Procedure 81

Judge 92

SECTION 7 – FINANCE & TAXATION 95

Finances Generally 97

Purchases by City 98

Sales Tax 100

Use Tax 110

911 Emergency Service Fee 115

Telephone Exchange Fee 116

Utility Fee 117

Unclaimed and Surplus Property 118

SECTION 8 – HEALTH & NUISANCES 123

Nuisances and Health Generally 125

Weeds, Grass & Trash 131

Dilapidated Buildings 134

Abandoned, Junk Vehicles 137

Food & Milk Regulations 142

Tobacco and Vapor Products……………………………………………………………………………………….144

SECTION 9 – LICENSE & BUSINESS REGULATIONS 148

General Provisions 150

Itinerant Vendors 152

Ambulance Service 153

Auto Salvage Dealer…………………………………………………………………………………………………156

SECTION 10 – OFFENSES & CRIMES 158

General Provisions 158

Offenses Against Persons 161

Offenses Against Property 162

Offenses Against Public Peace 170

Offenses Against the Public 173

Offenses Against Public Authority 183

SECTION 11 – PARKS, RECREATION & CEMETERY 192

Parks & Recreation 193

SECTION 12 – PLANNING & ZONING DEVELOPMENT 198

Boards & Commissions 196

Zoning Regulations 200

Subdivision Regulations 201

Flood Plain Regulations 202

SECTION 13 – PUBLIC SAFETY 222

Fire Prevention Code 221

Fire Services 223

Police Services 228

Civil Defense 229

SECTION 14 – STREETS & SIDEWALKS 236

General Provisions 234

Street Closings 237

SECTION 15 – TRAFFIC & VEHICLES 240

General Provisions 246

Traffic-Control Devices 252

Equipment 255

Certain Vehicles Prohibited 257

Driving, Overtaking and Passing, 259

Texting while Driving……………………………………………………………………………………………….269

Stopping, Standing and Parking 270

Speed Regulations 276

Right of Way 277

Turning Movements 280

One-Way Streets and Alleys 282

Truck Routes and Parking 283

Loading Zones 284

Public Carrier Stops 285

Accidents 286

Motorcycles 288

Bicycles 290

Pedestrians 293

Enforcement 296

Impoundment 299

Penalties & Arrest Procedure 302

SECTION 16 – TRANSPORTATION 309

SECTION 17 - UTILITIES 311

Lease of Systems 308

Water System 309

Refuse Collection Services 310

Sanitary Sewer System 318

SECTION 18 - FINES 322

APPENDICES 328

City of Elmore City Schedule of Fees & Charges 329

CODE OF ORDINANCES

CODE OF ORDINANCES

**GENERAL PROVISIONS**

PART 1

GENERAL PROVISIONS

CHAPTER 1

DEFINITIONS, INTERPRETATION,

APPLICABILITY, FINES

Section 1-101 Designation and citation of code.

Section 1-102 Rules of code construction; definitions.

Section 1-103 Authority of code.

Section 1-104 Conflicting provisions.

Section 1-105 References include amendments; construction.

Section 1-106 Catch lines and headings; construction.

Section 1-107 Code provisions as continuance of existing ordinances.

Section 1-108 General and specific penalties; suspension or revocation of license or permit.

Section 1-109 Each day of violation of code a separate offense.

Section 1-110 Prohibited acts include causing, permitting, concealing.

Section 1-111 Civil relief from violations of code of ordinances.

Section 1-112 Territorial applicability.

Section 1-113 Ordinances in effect in outlying territory of City.

Section 1-114 Code severability.

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of the City

Section 1-202 Ward boundaries

**GENERAL PROVISIONS**

**GENERAL PROVISIONS**

CHAPTER 1

DEFINTIONS, INTERPRETATION,

APPLICABILITY, FINES

Section 1-101 Designation and citation of code.

Section 1-102 Rules of code construction; definitions.

Section 1-103 Authority of code.

Section 1-104 Conflicting provisions.

Section 1-105 References include amendments; construction.

Section 1-106 Catch lines and headings; construction.

Section 1-107 Code provisions as continuance of existing ordinances.

Section 1-108 General and specific penalties; suspensions or revocation of license or permit.

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Section 1-110 Prohibited acts include causing, permitting, concealing.

Section 1-111 Civil relief from violations of code of ordinances.

Section 1-112 Territorial applicability.

Section 1-113 Ordinances in effect in outlying territory of City.

Section 1-114 Code severability.

SECTION 1-101 DESIGNATION AND CITATION OF CODE.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as “The City Code of Elmore City, Oklahoma”, and may be so cited. The Code may also be cited as the “City Code” or in the provisions which follow, as the “Code”.

SECTION 1-102 RULES OF CODE CONSTRUCTION; DEFINTIONS.

In the construction of this code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the Mayor and City Council or the context clearly requires otherwise:

1. “Administrative regulations” means written orders which are issued by approval of the Mayor of the City;

2. “And/or” means “or” and “or” may be read “and” if the sense requires it;

3. “Bond” means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event;

4. “Building” means any structure intended to have walls and a roof;

5. “Building official” means the person appointed by the Mayor and designated as the City’s building official;

6. “Business” means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward;

7. “City” means the City of Elmore City, in the County of Garvin and State of Oklahoma;

8. “City limits” means within the City and includes not only the corporate limits of the City but also any property which it owns or which is under its jurisdiction;

9. “Clerk” means the City Clerk/Treasurer;

10. “Council” means the Governing Body of the City; the City Council;

11. “County” means Garvin County, Oklahoma;

12. “Definitions” given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;

13. “Designee,” following an official of the City, means the authorized agent, employee or representative of such official;

14. “Gender” words importing the masculine gender include the feminine and neuter as well as the masculine;

15. “Health officer” means administrator of the cooperative department of the county and the City;

16. “Keeper” means one in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and co-partnership whether acting by themselves or by a servant, agent or employee;

17. “Law” means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state, ordinances and charter of the City, and, when appropriate, any and all rules and regulations promulgated there under;

18. “May” is permissive and discretionary;

19. “Mayor” means the Mayor of the City;

20. “Month” means a calendar month;

21. “Number” words used in the singular include the plural and the plural includes the singular;

22. “Oath” means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath;

23. “Occupant” means tenant or person in actual possession;

24. “Operate” means carry on, keep, conduct, maintain, manage, direct or superintend;

25. “Ordinances” mean the ordinances of the City and all amendments and supplements thereto;

26. “Owner” means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, “owner” means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land;

27. “Person” means nay individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law;

28. “Personal property” means any money, goods, movable chattel, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property;

29. “Preceding” and “following” means next before and next after, respectively;

30. “Proprietor” means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee;

31. “Public place” means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public.

32. “Real property” means land together with all things attached to the land as to become a part thereof;

33. “Shall”. The word “shall” is mandatory;

34. “Sidewalk” means that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed constructed and intended for the use of pedestrians to the exclusion of vehicles;

35. “Signature and subscription” means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;

36. “State” means the State of Oklahoma;

37. “Statutes” means the Oklahoma Statues as they are now or as they may be amended to be;

38. “Street” means all streets, highways, avenues, boulevards, parkways, roads. lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this City, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

39. “Tenant” means any person occupying the premises, building or land of another in subordination to such other person’s title and with his express or implied assent, whether alone or with others;

40. “Tense” words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.

41. “Time” means the hour of the day according to the official time of the day;

42. “Time of performance” means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;

43. “Treasurer” means the City Treasurer;

44. “Watercourse” means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks;

45. “Week” means seven (7) days;

46. “Writing” and “written” means any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means; and

47. “Year” means a calendar year.

B. Words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law are construed and understood according to such meaning.

SECTION 1-103 AUTHORITY OF CODE.

This code is a revision and codification of the general ordinances of the City which have been enacted and published in the accordance with the authority granted in Sections 14-108 and 14-109 of Title 11 of the Oklahoma Statues.

SECTION 1-104 CONFLICTING PROVISIONS.

A. If the provisions of different parts, chapters, articles or sections of this code conflict with or contravene each other, the provisions of each part, chapter, article or section shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article or section.

B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section.

SECTION 1-105 REFERENCES INCLUDE AMENDMENTS; CONSTRUCTION.

A. Any reference in this code to an ordinance or provision of this code means such ordinance or provision as may now exist or is hereafter amended.

B. Any references in this code to parts, chapters, articles or sections shall be to the parts, chapters, articles or sections of this code unless otherwise specified.

SECTION 1-106 CATCHLINES AND HEADINGS; CONSTRUCTION.

All designations and headings of parts, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles or sections, whether printed in capital letters or bold face type. They shall not be deemed or taken to be any part or title of such parts, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this code.

SECTION 1-107 CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES

The provisions appearing in this code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the City and existing at the effective date of this code, shall be considered as restatements and continuations thereof and not as new enactments.

SECTION 1-108 GENERAL AND SPECIFIC PENALTIES; SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

A. Whenever in this code, in any ordinance of the City, or in any rule or regulation promulgated pursuant to this code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefore, the violation of any such provision of this code or any ordinance or rule shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) except where another specific penalty is established in this code. If a penalty is limited by state law, such violations shall be punishable by not to exceed the maximum permitted by state law or the amount declared by the City, whichever is greater.

B. The maximum fine and penalty for violation of specific offenses as may be established by ordinance of the City Council shall be Five Hundred ($500.00), or imprisonment for sixty (60) days, or both such fine and imprisonment.

C. The suspension or revocation of any license, certificate or other privilege conferred by the City shall not be regarded as a penalty for the purposes of this code but shall be in addition thereto.

SECTION 1-109 EACH DAY OF VIOLATION OF CODE A SEPARATE OFFENSE.

Each day any person is in violation of any provision of this code, and each day any such violation occurs or continues to exist, shall be a separate offense.

SECTION 1-110 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING, CONCEALING.

Whenever in this code any act or omission is made unlawful or prohibited it shall include causing, allowing permitting, aiding, abetting or concealing the fact of such act or omission.

SECTION 1-111 CIVIL RELIEF FROM VIOLATIONS OF CODE OF ORDINANCES.

No penalty imposed by or pursuant to Section 1-108 or any other section of this code or other ordinance of the City shall interfere with the right of the City to apply to the proper courts of the state for a writ of mandamus, an injunction or other appropriate relief in the case of violations of this code or other ordinances.

SECTION 1-112 TERRITORIAL APPLICABILITY.

Except as provided otherwise, this code refers only to the commission or omission of acts within the territorial limits of the City and to that territory outside this City over which the City has jurisdiction, ownership or control by virtue of any constitutional or statutory provisions, or any law.

SECTION 1-113 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY.

All ordinances of the City now in effect within the City are hereby extended to all real property belonging to, or under the control of, the City outside the corporate limits of the City, and are in full effect therein, insofar as they are applicable. All ordinances of the City 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 provisions is limited to the corporate limits of the City shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the City, unless the context clearly indicates otherwise.

SECTION 1-114 CODE SEVERABILITY.

It is declared to be the intention of the Council that the sections, subsections, paragraphs, sentences, clauses and words of this code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this code, since the sections or parts of sections would have been enacted by the Council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this code

**GENERAL PROVISIONS**

CHAPTER 2

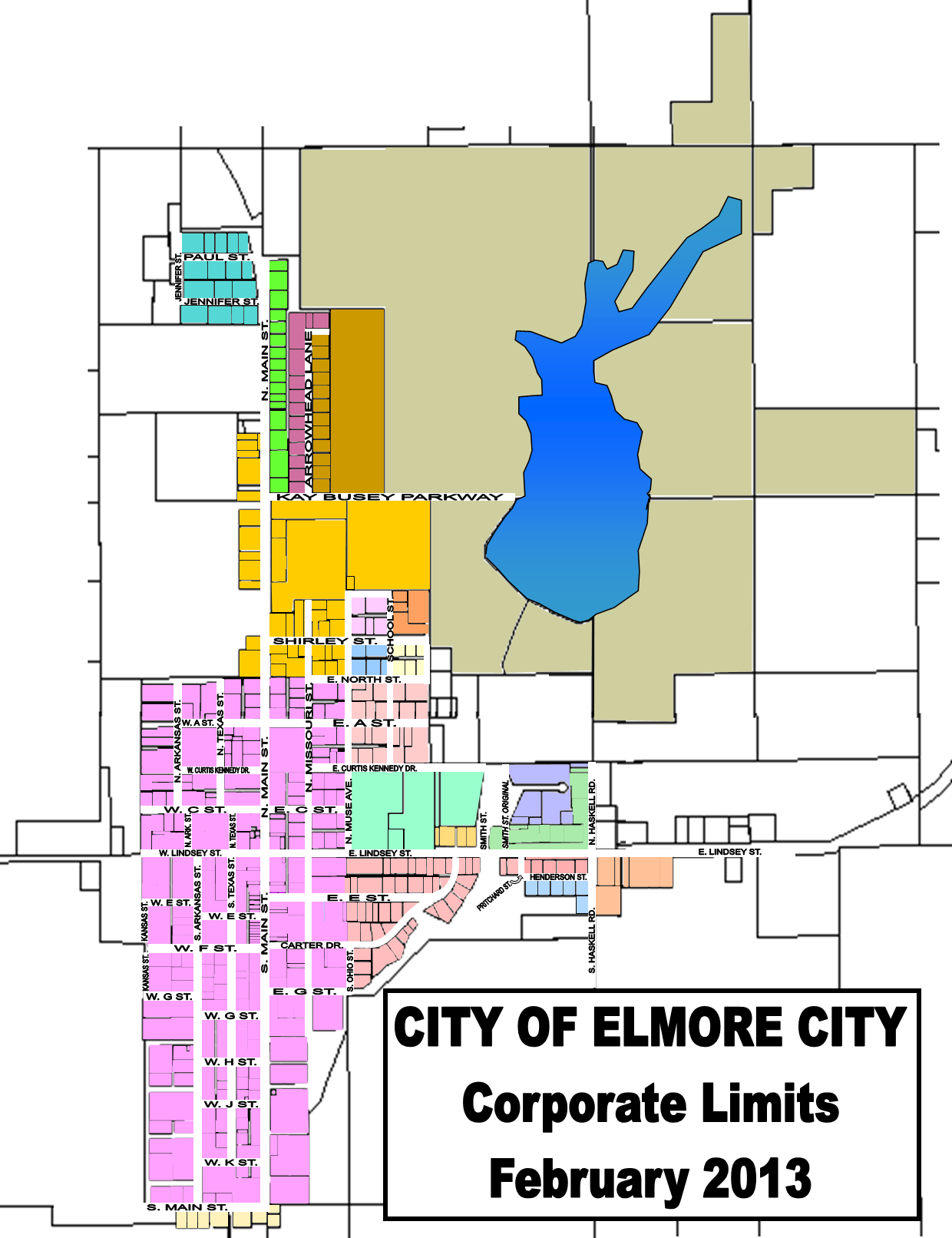
CORPORATE AND WARD LIMITS

Section 1-201 Map of the City.

Section 1-202 Ward boundaries.

SECTION 1-201 MAP OF THE CITY.

The map of the City showing its territorial limits, as maintained in the office of the City Clerk/Treasurer, is hereby designated as the official map of the City, and the corporate limits as shown thereon, and as amended, are declared to be the true and correct corporate limits of the City, including all annexations made to the City through and including the date of July 2nd, 2013.



ORDINANCE No. 2011-1

AN ORDINANCE EXTENDING THE INCORPORATED LIMITS AND BOUNDARIES OF THE CITY OF ELMORE CITY, OKLAHOMA, SO AS TO INCLUDE AND INCORPORATE WITHIN THE INCORPORATED LIMITS OF SAID CITY CERTAIN LANDS ADJACENT TO THE PRESENT LIMITS OF SAID CITY.

WHEREAS, the owners of more than 3/4ths in value of the property hereinafter described, and more than 3/4ths of the registered voters residing on said described property have presented to the City Council of the City of Elmore City, Oklahoma, a petition for annexation; and,

WHEREAS, said petitioner has given proper notice as required by law, prior to presenting said petition; and,

WHEREAS, said area is contiguous and adjacent to the present incorporated limits of Elmore City, and it would be to the best interest of said petitioner and of the City of Elmore City for it to be so annexed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELMORE CITY, OKLAHOMA:

SECTION 1. That the incorporated limits of the City of Elmore City, Oklahoma, be, and they are extended so as to include within said incorporated limits of said city the following described real property, situated in Garvin County, State of Oklahoma, to wit:

1. The NE1/4 of Section 22, and the SW1/4 NW1/4 of Section 23, Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma, and containing 200 acres, more or less, Except, Less and Subject to the following:

a. Those certain portions thereof containing a total of 10 acres, more or less, heretofore sold and conveyed by previous owners and being more particularly described in conveyances now of record in the office of the County Clerk of Garvin County, Oklahoma, in Vol. 362 at page 1; Vol. 363 at page 344; Vol. 303 at pages 432 and 433; Vol. 308 at page 442; Vol. 448 at page 529; Vol. 461 at page 372; Vol. 471 at page 114; and Vol. 481 at page 402;

b. All of the oil, gas coal, asphalt and other minerals, the same having been conveyed or reserved by previous owners, it being the intention of to convey the surface and surface rights and estate only in and to the above described lands and premises as distinguished from the oil, gas and other minerals and mineral rights and estate there under;

c. All right-of-way grants and easements now of record.

2. All that part and portion of the NE1/4 SE1/4 of Section 22, Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma, lying West of Spring Creek, more particularly described as follows: to-wit: Beginning at a point 150 feet East of the Northwest Corner of the NE1/4 SE1/4 of said Section 22; thence South a distance of 300 feet; thence East a distance of 15 feet; thence South a distance of 791 feet to a point 230 feet North of the South line of said NE1/4 SE1/4; thence East and parallel to the South line of said NE1/4 SE1/4 a distance of 265 feet; thence South for a distance of 30 feet; thence East to the center line of Spring Creek; thence Northeasterly along the center line of Spring Creek to the East line of said NE1/4 SE1/4; thence North to the Northeast corner of said NE1/4 SE1/4; thence West for a distance of 1170 feet along the North line of said NE1/4 SE1/4 to the point of beginning, containing 23.04 acres, more or less.

3. The S1/2 SE1/4 NW1/4 and NW1/4 NW1/4 NE1/4 NW1/4 and W1/2 NE1/4 NW1/4 NE1/4 NW1/4 and W1/2 SW1/4 NW1/4 NE1/4 NW1/4 of Section 23, Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma, containing 25 acres, more or less, together with all improvements thereon and the appurtenances thereunto belonging, Less and Except all of the oil, gas, coal, asphalt and other minerals in, under or that may be produced from the above described lands.

4. The E1/2 SE1/4 SW1/4 SW1/4 and a two and one-half (21/2) acre tract in the Southeast corner of the W1/2 SE1/4 SW1/4 SW1/4 and the SE1/4 NE1/4 SW1/4 SW1/4 of section 14, and NW1/4 NW1/4 of section 23, all in Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma, Less and Except all of the oil, gas, coal, asphalt and other minerals in, under or that may be produced from the above described lands.

5. The NE1/4 SE1/4 of Section 22, Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma, lying East of Spring Creek; and the W1/2 NW1/4 SW1/4 and W1/2 E1/2 NW1/4 SW1/4 and NE1/4 NE1/4 NW1/4 SW1/4 and N1/2 SE1/4 NE1/4 NW1/4 SW1/4 and the North 360 feet of the NW1/4 SW1/4 SW1/4 and the North 360 feet of a two and one-half (21/2) acre tract lying in the Northwest corner of the NE1/4 SW1/4 SW1/4 of Section 23, Township 2 North, Range 2 West of the I.B.M., Garvin County, Oklahoma; Less and Except all of the oil, gas and other minerals lying in and under and that may be produced from the above described lands and premises.

SECTION 1-202 WARD BOUNDARIES.

1. Ward One (1) consists of all that part and portions of the territory within the corporate limits of the City lying east of the centerline of Main Street, and south of the centerline of Lindsey Street;

2. Ward Two (2) consists of all that part and portion of the territory within the corporate limits of the City lying west of the centerline of Main Street and south of the centerline of Lindsey Street;

3. Ward Three (3) consists of all that part and portion of the territory within the corporate limits of the City lying west of the centerline of Main Street and North of the centerline of Lindsey Street; and

4. Ward Four (4) consists of all that part and portion of the territory within the corporate limits of the City lying east of the centerline of Main Street and north of the centerline of Lindsey Street.

**GENERAL PROVISIONS**

**ADMINISTRATION AND GOVERNMENT**

PART 2

ADMINISTRATION AND GOVERNMENT

CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 Form of government

Section 2-102 Meetings of the Council.

Section 2-103 Mayor’s powers and duties, vice Mayor.

Section 2-104 City Clerk/Treasurer; duties.

Section 2-105 City Treasurer, duties.

Section 2-106 City Attorney.

Section 2-107 Administrative departments, officers, and agencies.

Section 2-108 Bonds for City officers and employees.

Section 2-109 Compensation of Mayor and Council.

Section 2-110 Books delivered to successor.

Section 2-111 Personnel board established.

Section 2-112 Personnel regulations adopted.

Section 2-113 Elections conducted by county election board.

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A

SOCIAL SECURITY

Section 2-201 City officers and employees under federal social security.

ARTICLE B

FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

Section 2-211 System created.

Section 2-212 System to be operated in accordance with law.

CHAPTER 3

CITY RECORDS

Section 2-301 Appointment of official custodians.

Section 2-302 Designation of additional record custodians.

Section 2-303 Duties of custodians.

Section 2-304 Requests to be directed to custodians.

Section 2-305 Procedures regarding both inspection and copying of open public records.

Section 2-306 Procedures regarding inspection of open public records.

Section 2-307 Procedures regarding copies of open public records.

Section 2-308 No fee for inspection.

Section 2-309 Copying fee.

Section 3-310 Fees for mechanical reproduction.

Section 3-311 Prepayment of fees.

**ADMINISTRATION AND GOVERNMENT**

CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101 Form of government.

Section 2-102 Meetings of the Council.

Section 2-103 Mayor’s powers and duties.

Section 2-104 City Clerk duties and compensation.

Section 2-105 City Treasurer duties and compensation.

Section 2-106 City Attorney

Section 2-107 Administrative departments, officers, and agencies.

Section 2-108 Bonds for City officers and employees.

Section 2-109 Compensation of Mayor and Council.

Section 2-110 Books delivered to successor.

Section 2-111 Personnel board established.

Section 2-112 Personnel regulations adopted.

Section 2-113 Elections conducted by County Election Board.

SECTION 2-101 FORM OF GOVERNMENT.

The City is governed under the Aldermanic form of government. All powers of the City shall be exercised in the manner prescribed by the City code, by state statute and in such manner prescribed by ordinances adopted by the City Council. The City Council shall consist of four (4) members, one from each ward of the City. The Mayor is elected at large. The Council shall have such powers and duties as are prescribed by state law.

SECTION 2-102 MEETING OF THE COUNCIL.

1. Regular meetings of the Council shall be held at 7:00 p.m. on the first Tuesday of every month at Elmore City Hall, 106 S. Main St., Elmore City, OK, unless the Council designates another place. Any adjourned meeting may be held at any other place in the City designated by the Council.

B. The Council may from time to time adopt rules to govern the proceedings of the Council.

SECTION 2-103 MAYOR’S POWERS AND DUTIES.

1. The Mayor shall be the chief executive officer and head of the administrative government of the City.

B. The Mayor shall have all the powers and duties prescribed by state law, and as may be prescribed by ordinance.

SECTION 2-104 CITY CLERK/TREASURER DUTIES AND COMPENSATION.

1. The City Clerk/Treasurer shall be an officer of the City. The clerk shall serve as clerk for the Council. The City Clerk/Treasurer shall:
2. Keep the journal of the proceedings of the City Council; and
3. Enroll all ordinances and resolutions passed by the Council in a book or set of books kept for that purpose; and
4. Have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the seal of the City, and
5. Attest and affix the seal of the City to documents as required by law or by ordinance; and
6. Have such other powers, duties, and functions related to his/her statutory duties as may be prescribed by law or by ordinance.
7. The salary of the City Clerk/Treasurer for the duties of the office shall be the sum of $200.00 per month.

7. The person who serves as City Clerk/Treasurer may be employed by the City to perform duties not related to his/her position as City Clerk/Treasurer. The salary for said duties shall be determined by motion by the members of the City Council in a sum certain to be paid monthly.

SECTION 2-105 CITY TREASURER DUTIES AND COMPENSATION.

1. The City Treasurer shall be an officer of the City. The City Treasurer shall:
2. Deposit daily funds received for the City in depositories as the Council may designate; and
3. Have such other powers, duties, and functions related to his/her statutory duties as may be prescribed by law or by ordinance.

3. The salary for the City Treasurer for the duties of the office shall be the sum of $100.00 per month.

4. The person who serves as City Treasurer may be employed by the City to perform duties not related to his/her position as City Treasurer. The salary for said duties shall be determined by motion by the members of the City Council in a sum certain to be paid monthly.

SECTION 2-106 CITY ATTORNEY.

The City Attorney is an appointed officer of the City. The City Attorney shall attend, when directed, Council meetings, prepare ordinances and resolutions when directed, advise the Council and Mayor and, with Council approval, advise other officers of the City, and perform such other duties as provided by law or ordinance.

SECTION 2-107 ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES.

There shall be such other administrative departments, agencies and officers as the Council may establish.

SECTION 2-108 BONDS FOR CITY OFFICERS AND EMPLOYEES.

The City Clerk/Treasurer, Deputy City Clerk/Treasurer, Court Clerk and other officers and employees as are designated by the City Council shall, before entering upon the discharge of their duties, execute and file with the City Clerk/Treasurer surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The City shall pay the premium on such bonds.

SECTION 2-109 COMPENSATION OF MAYOR AND COUNCIL.

Compensation of elected officers of the City shall be as provided by the ordinances of the City. Elected officials may be reimbursed for expenses actually incurred by them in performance of their official duties; Council member(s) may receive compensation as Council member(s) by ordinance.

SECTION 2-110 BOOKS DELIVERED TO SUCCESSOR.

All books, vouchers, monies or other property belonging to the corporation in charge or possession of any officer of the same shall be delivered to his successor when qualified.

SECTION 2-111 PERSONNEL BOARD ESTABLISHED.

The Personnel Board of the City shall consist of the City Council. The Personnel Board shall have such powers and duties as established by state law.

SECTION 2-112 PERSONNEL REGULATIONS ADOPTED.

The City’s personnel regulations, as adopted by the City Council, and as may be amended from time to time by the City, shall govern personnel matters.

1. RESIDENCEY REQUIREMENT FOR ALL DEPARTMENT HEADS.
2. Department heads shall include, but not limited to: Chief of Police, Fire Chief, Emergency Services Director, any other current Department Head and any other future Department Head.
3. That the Elmore City Council deems it appropriate, for the safety and well being of its residents, that the residency requirement of residing within a fifteen (15) mile limit of the corporate City limits of the City of Elmore City, be established herein.
4. Conditions establishing residency shall include owning or renting of a primary dwelling with a verifiable mailing address and proof of mileage to corporate City limits.

SECTION 2-113 ELECTIONS CONDUCTED BY COUNTY ELECTION BOARD.

That elective officers of the City of Elmore City shall be elected and initiative and referendum question shall be decided only through elections conducted by the count election board pursuant to Section 16-101 ET. SEQ. of Title 11 of the Oklahoma Statutes.

**ADMINISTRATION AND GOVERNMENT**

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A

SOCIAL SECURITY

Section 2-201 City officers and employees under federal social security.

ARTICLE B

FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

Section 2-211 System created.

Section 2-212 System to be operated in accordance with law.

ARTICLE A

SOCIAL SECURITY

SECTION 2-201 CITY OFFICERS AND EMPLOYEES UNDER FEDERAL SOCIAL SECURITY.

A. It is hereby declared to be the policy of the City to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act, and amendments thereto. In pursuance of this policy, the City shall take such action as may be required by applicable state or federal laws or regulations.

B. The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services as agent or agency, to secure coverage of employees and officials as provided in Subsection A hereof.

C. Withholdings from salaries or wages of employees and officials for the purpose provided in Subsection A hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.

D. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer’s contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.

E. The City shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

F. There is hereby excluded from this section any authority to make any agreement with respect to any position or any 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 City.

G. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

ARTICLE B

FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

SECTION 2-211 SYSTEM CREATED.

There is hereby created, for the purpose of providing pension retirement allowance and other benefits for fire fighters of the City, a fire fighters pension and retirement system. It is declared to be the official policy of the City to participate in the pension system as provided by state law.

SECTION 2-212 SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW.

A. The fire fighters pension and retirement system as established by Sections 49-100.1 et seq. of Title 11 of the Oklahoma Statues is hereby adopted by reference.

B. The local board of trustees of the fire fighters pension and retirement system, servicing the fire fighters of the City, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

**ADMINISTRATION AND GOVERNMENT**

CHAPTER 3

CITY RECORDS

Section 2-301 Appointment of official custodians.

Section 2-302 Designation of additional record custodians.

Section 2-303 Duties of custodians.

Section 2-304 Requests to be directed to custodians.

Section 2-305 Procedures regarding both inspection and copying of open public records.

Section 2-306 Procedures regarding inspection of open public records.

Section 2-307 Procedures regarding copies of open public records.

Section 2-308 No fee for inspection.

Section 2-309 Copying fee.

Section 2-310 Fee for mechanical reproduction.

Section 2-311 Search fee.

Section 2-312 Prepayment of fees.

SECTION 2-301 APPOINTMENT OF OFFICIAL CUSTODIANS.

The following City official(s) are hereby appointed as official custodian for purposes of the Oklahoma Open Records Act and is charged with responsibility for compliance with that act with respect to the following listed public records: City Clerk/Treasurer. All public records kept and maintained in the City Clerk/Treasurer’s office and all other public records not provided for elsewhere in this chapter.

SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. Each of the official custodians appointed in Section 2-301 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 shall notify the City Clerk/Treasurer of such designation and the City Clerk/Treasurer shall maintain a register of all such designations.

SECTION 2-303 DUTIES OF CUSTODIANS.

All City 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 City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carryout the procedures adopted by this City for inspecting and copying open public records.

SECITON 2-304 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 written requests in person to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

B. Whenever any City official or employee appointed or designated as a custodian under this chapter is presented with a written 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, if such is known by the custodian receiving the request.

SECTION 2-305 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 protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
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 shall be supervised by the record custodian and copying of open public records shall be performed by 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. Only those persons submitting a request to inspect records will be allowed during the inspection. No other individuals will be allowed at the time records are viewed. 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 City Clerk/Treasurer;
8. The record custodian or City Clerk/Treasurer shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-312 of this code;
9. No record search or copying fee shall be assessed against officers or employees of the City 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 2-306 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 2-307 PROCEDURES REGARDING COPIES OF OPEN PUBLILC RECORDS.

The following procedures apply regarding copies of records;

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 custodian;
3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; 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 2-308 NO FEE FOR INSPECTION.

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

SECTION 2-309 COPYING FEE.

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

SECTION 2-310 FEE FOR MECHANICAL REPRODUCITON.

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 City, including the cost of labor, materials and equipment.

SECTION 2-311 SEARCH FEE.

A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the City of producing the record, including the cost of labor, materials and equipment.

SECTION 2-312 PREPAYMENT OF FEES.

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars ($20.00). 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.

**ADMINISTRATION AND GOVERNMENT**

**ALCOHOLIC BEVERAGES**

PART 3

ALCOHOLIC BEVERAGES

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101 Definitions.

Section 3-102 Amount of tax.

Section 3-103 Application for license, conditions.

Section 3-104 Application for certificate of zoning, code compliance.

Section 3-105 Compliance with state and City law.

Section 3-106 Sale to minors prohibited, minors prohibited from premises.

Section 3-107 Transportation of intoxicating beverages in vehicles; exception.

Section 3-108 General prohibitions.

Section 3-109 Consumption of intoxicating alcoholic beverage in public places.

Section 3-110 Misrepresentation of age.

Section 3-111 Employment of persons under age of twenty-one (21) prohibited.

Section 3-112 Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited.

Section 3-113 Location of retail package store and mixed beverage establishments, exceptions.

Section 3-114 Hours of operation.

Section 3-115 Package store premises to be separated from premises where other business conducted.

Section 3-116 Sale or delivery prohibited on certain days.

CHAPTER 2

NONINTOXICATING BEVERAGES

Section 3-201 Definitions.

Section 3-202 State licenses.

Section 3-203 Retail dealer’s license required; license fees.

Section 3-204 License application, procedure, revocation.

Section 3-205 Minors on premises prohibited, exceptions.

Section 3-206 Sale of non-intoxicating alcoholic beverages to minor prohibited.

Section 3-207 Employment of persons under eighteen (18) years; exceptions.

Section 3-208 Sale of non-intoxicating beverages prohibited during certain hours; exceptions.

Section 3-209 Transportation of non-intoxicating beverages in moving vehicle.

Section 3-210 Minors in possession of non-intoxicating alcoholic beverages prohibited while in public.

Section 3-211 Consumption of non-intoxicating alcoholic beverages in public places; penalty;

Section 3-212 Misrepresentation of age by false or altered documentation.

Section 3-212 Inspections.

Section 3-213 Location of retail dealers.

**ALCOHOLIC BEVERAGES**

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101 Definitions.

Section 3-102 Amount of tax.

Section 3-103 Application for license, conditions.

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Section 3-106 Sale to minors prohibited, minors prohibited from premises.

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Section 3-108 General prohibitions.

Section 3-109 Consumption of intoxicating alcoholic beverage in public places.

Section 3-110 Misrepresentation of age.

Section 3-111 Employment of persons under age twenty-one (21) prohibited.

Section 3-112 Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited.

Section 3-113 Locations of retail package store and mixed beverage establishments, exceptions.

Section 3-114 Hours of operation.

Section 3-115 Package store premises to be separated from premises where other business conducted.

Section 3-116 Sale or delivery prohibited on certain days.

SECTION 3-101 DEFINITIONS.

1. Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statues.
2. As used herein:
3. “ABLE Commission” means the Alcoholic Beverage Laws Enforcement Commission of the state;

2. “Alcohol” means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with acts of Congress and regulations promulgated there under;

3. "Alcoholic beverage" means alcohol, spirits, beer, low-point beer, and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, including low-point beer, and capable of being consumed as a beverage by human beings;

4. “Beer” means any beverage containing more than three and two-tenths (3.2) percent of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. Beer includes, among other things, beer, ale stout, lager beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine. Beer may or may not contain ops or other vegetable products;

5. “Licensee” means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises;

6. “Low-Point Beer” means any beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths (3.2%) alcohol by weight;

7. “Minor” means a person who, in accordance with state law, has not yet attained the age at which the consumption of alcoholic beverages is permitted;

8. “Mixed beverages” means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, or special event license;

9. “Sale” means any transfer, exchange or barter in any manner or by any means whatsoever, and includes alls ales made by any person, whether as principal proprietor, agent, servant or employee. The term “sale” shall also include the use or consumption of any alcoholic beverage obtained within or imported from without this state upon which the excise tax levied by the laws of the state has not been paid or exempted:

10. “Wine” means and includes any beverage containing more than one-half of one percent (1.5%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty degrees (60) Fahrenheit, obtained by the fermentation of the natural contents of fruits, vegetables, honey, mild or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

SECTION 3-102 LICENSE AND OCCUPATION TAX.

A. There is hereby levied and assessed an annual occupation tax on every person who owns or operates a business or occupation relating to the sales of alcoholic beverages as specifically enumerated herein and pursuant to the provision of 37A O.S. § 2-101 in the amount as set by the City Council by motion or resolution.

B. The occupation taxes prescribed herein shall be reduced to the extent necessary to conform to applicable state law reducing the state license fee to such person, but only to such extent as may be requested to perform to applicable state law, it being the intention that this chapter shall levy the maximum tax allowable for the occupations on which there is hereby an occupation tax.

C. The occupation tax levied herein shall be paid in advance to the City Clerk who shall issue a receipt therefore. The City Clerk shall verify that the person engaging in sales of alcoholic beverages has a valid state license from the ABLE Commission. The name of the licensee and the address where the licensee engages in his or her occupation shall be recorded by the City Clerk and kept in the permanent files of the city for at least five (5) years.

D. Any state licensee operating his or her occupation in more than one location in the corporate limits of the city shall be subject to the tax hereinabove specified for each location.

E. Any state licensee shall post their tax receipt in a conspicuous place on the premises wherein they are engaged in their business and occupation.

F. The occupation tax shall cover only the person paying the tax and no other, regardless of whether a successor in interest, and shall be non-refundable.

G. The City Clerk shall make and transmit to the ABLE Commission an annual report showing the number and class of licenses subject to the tax and the amount of money received therefrom.

H. All sums due from any person by reason of occupation taxes imposed by this chapter and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at the suit of the city, brought against such person in any court of competent jurisdiction. In any suit, in addition to the tax and penalties, the city shall recover interest, at the rate of 10% per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorneys' fees, all to be determined by the court. Prosecution for an offense against the city, arising out of the failure to pay a tax levied by this chapter, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as herein provided.

I. The City Clerk is authorized to issue a license for sales or service of intoxicating beverages upon verification of zoning and code compliance, possession of a valid state license from the ABLE Commission, and payment of the occupation tax due; provided, if the licensee is in non-compliance with any other requirements of state or local law a municipal license shall not be issued and any license issued is subject to revocation.

J. The occupation tax levied herein shall expire on September 30, annually. The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending September 30 following. Such taxes paid on or before the fifteenth day of any month shall be on the basis of the first day of the month, and such taxes paid after the fifteenth day of the month shall be on the basis of the first day of the next succeeding month.

SECTION 3-103 APPLICATION FOR LICENSE CONDITIONS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-104 APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE.

A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city required by 37A O.S. §§ 2-142(A)(2) and 2-142(A)(3) shall apply at the office of the City Clerk.

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

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

D. The above certificates of compliance shall be signed by the City Clerk or by the Mayor.

SECTION 3-105 COMPLIANCE WITH STATE AND CITY LAW.

No person shall own, operate or maintain a retail package store or mixed beverage establishment, or produce, manufacture, distribute, rectify, bottle or sell any beer, spirits, wine or other alcoholic beverage, without first obtaining valid licenses issued by the state and the City.

SECTION 3-106 SALE TO MINOR PROHIBITED, MINORS PROHIBITED FROM PREMISES.

A. No person shall sell, deliver, furnish or give any alcoholic beverage to any person under the age of twenty-one (21) years.

B. No licensee shall permit any person(s) under twenty-one (21) years of age to enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

C. No person under twenty-one (21) years of age shall enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

D. It is unlawful for any person who holds a license to sell and dispense alcoholic beverages for consumption on the premises, or any agent, assignee, or employee of the license holder, to permit any minor to be admitted to or remain in a separate or enclosed bar area of the licensed premises which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises.

E. Minors shall not be prohibited from admittance into an area which has as its main purpose some objective other than the sale or serving of alcoholic beverages, in which sales or serving of the beverages are incidental to the main purpose, as long as minors are not sold or served said beverages. The incidental service of food in an area designated as a bar or similar space shall not except a licensee, agent, assignee, or employee from the foregoing.

F. Minors may be admitted to premises which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption if they are members of a musical band employed or hired as provided in 37A O.S. § 6-102, when the band is to perform within such an area, or if the minors are on the premises for the limited purpose of performing maintenance, construction, remodeling, painting or other similar services relating to the building or equipment installation, repair, or maintenance on the premises during those hours when the licensed establishment is closed.

SECTION 3-107 TRANSPORTATION OF ALCOHOLIC BEVERAGES IN VEHICLE EXCEPTION.

1. No person shall knowingly transport alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.

B. Subsection A of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion.

SECTION 3-108 GENERAL RESTRICTIONS.

1. No person shall:
2. Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;
3. Except as otherwise permitted in this chapter, drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place; or
4. Open a container of or consume alcoholic beverages on the premises of a retail package store; or
5. Possess more than one liter of any alcoholic beverage unless the state tax has been paid thereon, except as may be otherwise provided by law.
6. No licensee shall offer the following:
7. Advertise or offer two-for-one (2-for-1) drinks on alcoholic beverages; or
8. Advertise or offer for sale an unlimited number of alcoholic beverages for one price; or
9. Advertise or offer alcoholic beverages to a specific group at a lesser price than charged to the general public; or
10. Advertise or offer to increase the volume of alcohol in a beverage without increasing the price regularly charged for the drink in proportion to the same; or
11. Advertise or give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skills or any type of competition; or
12. Advertise or offer free alcoholic beverages to the general public.
13. No licensee shall:

1. Allow any person on the premises where non-intoxicating or alcoholic beverages are sold or dispensed for consumption on the premises of the licensee where such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the breast below the top of the areola or any portion of the pubic area, buttocks or genitalia;

2. Permit any person to perform acts of, or acts which simulate sexual acts;

3. Permit any person to use artificial devices or inanimate objects to depict any lewd activities; or

4. Permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

D. No licensee shall permit any drink solicitation, or request from a patron to purchase any alcoholic beverage for consumption on the premises of the licensee, as that term is defined in this chapter.

E. Drink specials may be offered on any particular hour of any particular day, without restriction, but discounted sales on alcoholic beverages cannot be for less than six percent (6%) markup of the cost.

SECTION 3-109 CONSUMPTION OF ALCOHOLIC BEVERAGE IN PUBLIC PLACES.

A. No person within the City shall consume alcoholic beverages in any public place, unless authorized by the Alcoholic Control Beverage Act, nor shall any person be intoxicated in a public place within the city.

B. Consumption of alcoholic beverages in single-serve aluminum canisters at the Elmore City Lake is permitted, but the same shall not be consumed on any roads or parking lots associated therewith, nor at any place between the hours of 2:00 a.m. and 6:00 a.m. No glass bottles or containers shall be permitted.

SECTION 3-110 MISREPRESENTATION OF AGE.

No person shall misrepresent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcoholic beverages.

SECTION 3-111 RESTRICTIONS ON EMPLOYMENT OF MINORS

No licensee shall employ, assist, or aid in causing the employment of any person under the age of twenty-one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages. However, a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are between the ages of eighteen (18) and twenty-one (21), except in designated bar or lounge areas.

SECTION 3-112 PERSONS UNDER AGE TWENTY-ONE (21) IN POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC PROHIBITED.

No person under age twenty-one (21) years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.

SECTION 3-113 LOCATION OF RETAIL PACKAGE STORE AND MIXED BEVERAGE ESTABLISHMENTS, EXCEPTIONS.

1. No person shall own, operate, maintain or have any interest in any retail package store which is located at a place in this City which is forbidden as a location for such store by state laws or City ordinances.

B. The location of retail package store or Class I or Class II mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred (300) feet of any licensed premises such church after such premises had been licensed, this shall not be a bar to renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. A retail package store or Class I or Class II mixed beverage establishment shall not be located on any City block where a church or school is located.

C. In addition to other conditions of this section, no Class II mixed beverage establishment shall:

1. Front onto any street other than an expressway or major thoroughfare, or any collector street located within a commercially zoned area;

2. Have vehicular access onto any residential street;

3. Locate in any area other than permitted under the City’s zoning ordinances; or

4. Be located in a structure which is closer than one hundred fifty (150) feet from the property line of any other property zoned and used for residential purposes.

SECTION 3-114 HOURS OF OPERATION.

A. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event, on-premises beer and wine, bottle club, small brewer or brewpub licensee during any day or hour not authorized by the Oklahoma Alcoholic Beverage Control Act.

B. No package store licensee shall sell or keep a package store open to sell alcoholic beverages during any day or hour not authorized by the Oklahoma Alcoholic Beverage Control Act.

C. No licensee authorized to sell alcoholic beverages for off-premises consumption at a grocery store, convenience store, drug store, or other authorized retail establishment shall sell or permit the sale of alcoholic beverages during any day or hour not authorized by the Oklahoma Alcoholic Beverage Control Act.

SECTION 3-115 PACKAGE STORE PREMISES TO BE SEPARTEAD FROM PREMISES WHERE OTHER BUSINESS CONDUCTED.

No person shall maintain, operate, or assist in any manner in the maintenance or operation of a package store upon 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 passage to which the public is not admitted. No person shall take any alcoholic beverage through such passageway 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 3-116 SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS.

A. No licensee shall engage in the retail sale of alcoholic beverages on such days and times as prohibited by the state law.

B. No wine or spirits wholesaler licensee shall sell or deliver, and no wine or spirits retail licensee shall receive any amount of spirits or wines on any Sunday of any week, or on New Year’s Day, the Fourth of July, Thanksgiving Day, or Christmas Day.

C. Retail spirits licensees shall not be permitted to sell or deliver alcoholic beverages or to be open on Thanksgiving Day or Christmas Day.

D. Only employees of the retail spirit licensee shall be permitted to make alcoholic beverage product delivery. No third-party delivery is allowed.

E. Any cocktail or mixed alcoholic drinks ordered for pickup shall be delivered to the recipient by an employee who is at least twenty-one (21) years of ago. Said employee shall verify that the customer is over the age of twenty-one (21) and is not intoxicated. The sealed container(s) must be placed in the trunk of the vehicle or in the rear compartment if no trunk is present. All labeling and seals shall be in compliance with the Oklahoma ABLE Commission.

SECTION 3-117 FESTIVALS, SPECIAL EVENTS

A. Any organization, association, or non-profit corporation desiring to hold and host a festival, public event, or special event at a location outside their currently licensed premises on property owned and/or maintained by the City of Elmore City shall submit and obtain appropriate licenses through the ABLE Commission.

B. The organization, association, or non-profit corporation shall also submit to the City Clerk a request for a city festival, public event, or special event license describing in detail the event sponsor(s) and complete contact information for persons associated therewith; proposed date(s) and time(s); proposed location(s) with a map of the event area showing locations of street closures, fire lanes, barricades, booths or vendors, stages or production areas, and public entry points; purpose of the festival or event; city resources anticipated; plans for security and safety; types of alcoholic beverages to be served; and impact on the community.

C. The organization, association, or non-profit corporation shall provide a certificate of liability insurance in the amount and type of coverage required by the City of Elmore City that names the City as an additional insured, except this section is not applicable to any governmental entity that is covered under the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 et seq.

D. Following notice of approval by the ABLE Commission and/or submission of the request for city license for the proposed festival, public event, or special event, the City Clerk will have fifteen (15) days to issue an approval or denial of the request.

E. Any approval shall be signed and approved prior to issuance by the Chief of Police or their designee, the Fire Chief or their designee, and the Emergency Medical Services Chief or their designee.

F. Any request for a city festival, public event, or special event license submitted by an organization, association, or non-profit corporation with a pre-existing alcoholic beverage license approved by the City Clerk and a previously approved ABLE Commission license for a substantially similar event may be presumptively approved subject to review by the City Clerk, Mayor, Police Chief or their designee, Fire Chief or their designee, and Emergency Medical Services Chief or their designee.

G. Following approval of the festival, public event, or special event, the sponsoring organization, association, or non-profit corporation shall provide written notice to any and all businesses affected by road closures, sidewalk obstructions, or other possible interferences.

H. The sponsoring organization, association, or non-profit corporation shall make payment to the City Clerk the appropriate fee for use of city resources based on the duration, location, and necessary city expenses at least one (1) week prior to the event.

**ALCOHOLIC BEVERAGES**

CHAPTER 2

NON-INTOXICATING BEVERAGES

Section 3-201 Definitions.

Section 3-202 State licenses.

Section 3-203 Retail dealer’s license required; license fees.

Section 3-204 License application, procedure, revocation.

Section 3-205 Minors on premises prohibited, exceptions.

Section 3-206 Sale of non-intoxicating alcoholic beverages to minor prohibited.

Section 3-207 Employment of persons under eighteen (18) years; exceptions.

Section 3-208 Sale of non-intoxicating beverages prohibited during certain hours; exceptions.

Section 3-209 Transportation of non-intoxicating beverages in moving vehicle.

Section 3-210 Minors in possession of non-intoxicating alcoholic beverages prohibited while in public.

Section 3-211 Consumption of non-intoxicating alcoholic beverages in public places; penalty; exception.

Section 3-212 Misrepresentation of age by false or altered documentation.

Section 3-213 Inspections.

Section 3-214 Location of retail dealers.

SECTION 3-201 DEFINITIONS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-202 STATE LICENSES.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-203 RETAIL DEALER’S LICENSE REQUIRED; LICENSE FEES.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-204 LICENSE APPLICATION, PROCEDURE, REVOCATION.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-205 MINORS ON PREMISES PROHIBITED, EXCEPTIONS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-206 SALE OF NONINTOXICATING ALCOHOLIC BEVERAGES TO MINOR PROHIBITED.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-207 EMPLOYMENT OF PERSONS UNDER EIGHTEEN (18) YEARS, EXCEPTIONS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-208 SALE OF NONINTOXICATING BEVERAGES PROHIBITED DURING CERTAIN HOURS; EXCEPTION.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-209 TRANSPORTATION OF NONINTOXICATING BEVERAGES IN MOVING VEHICLE.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-210 MINORS IN POSSESSION OF NONINTOXICATING ALCOHOLIC BEVERAGES PROHIBITED WHILE IN PUBLIC.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-211 CONSUMPTION OF NONINTOXICATING ALCOHOLIC BEVERAGES IN PUBLIC PLACES; PENALTY; EXCEPTION.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-212 MISREPRESENTATION OF AGE BY FALSE OR ALTERED DOCUMENTATION.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-213 INSPECTIONS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

SECTION 3-214 LOCATION OF RETAIL DEALERS.

*Repealed October 4, 2022, by Ordinance No. 22-07*

**ALCOHOLIC BEVERAGES**

**ANIMALS**

PART 4

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

ANIMAL REGULATIONS

Section 4-101 Definitions.

Section 4-102 Running at large, owners cited, enclosures.

Section 4-103 Control of animals required, at large.

Section 4-104 Buildings, structures for animals, location.

Section 4-105 Kennels.

Section 4-106 Noisy animals; complaint procedure for animals which disturb, are in violation of code.

Section 4-107 Pasturing in public areas illegal.

Section 4-108 Keeping of certain animals in City.

Section 4-109 Keeping dangerous, vicious animals unlawful.

ARTICLE B

REGISTRATION AND VACCINAITON OF ANIMALS

Section 4-121 Rabies vaccination required; certificate of vaccination; tags.

Section 4-122 Annual dog license and tax.

ARTICLE C

IMPOUNDMENT REGUALTIONS

Section 4-131 Impoundment, records, disposition of animals.

Section 4-132 Breaking pound or interfering with impounding officers.

Section 4-133 Animal shelter fees.

Section 4-134 Redemption, adoption, of animal.

ARTICLE D

CRUELTY TO ANIMALS

Section 4-141 Cruelty to animals.

Section 4-142 Poisoning animals.

Section 4-143 Encouraging animals to fight.

ARTICLE E

ZONING ORDINANCE

Section 4-151 Zoning ordinance to prevail.

ARTICLE F

RABIES AND ANIMAL BITES

Section 4-161 Animal bites; rabies examination; quarantine.

Section 4-162 Rabies diagnoses; quarantine of City; time limit.

Section 4-163 Killing or removing rabid animal prohibited.

Section 4-164 Reports of bite cases; report by veterinarian.

Section 4-165 Investigations for violation of chapter.

Section 4-166 Records.

ARTICLE G

COURT PROCEEDINGS AND COMPLAINTS

Section 4-171 Summons and complaint.

Section 4-172 Impoundment.

Section 4-173 Hearing.

Section 4-174 Determination.

ARTICLE H

PENALTY

Section 4-181 Penalty.

CHAPTER 2

(RESERVED)

**ANIMALS**

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

ANIMAL REGULATIONS

Section 4-101 Definitions.

Section 4-102 Running at large, owners cited, enclosures.

Section 4-103 Control of animals required, at large.

Section 4-104 Buildings, structures for animals, location.

Section 4-105 Kennels.

Section 4-106 Noisy animals, complaint procedure for animals which disturb, are in violation of code.

Section 4-107 Pasturing in public areas illegal.

Section 4-108 Keeping of certain animals in City.

Section 4-109 Keeping dangerous, vicious animals unlawful.

Section 4-110 Keeping Poisonous Reptiles Unlawful

ARTICLE B

REGISTRATION AND VACCINATION OF ANIMALS

Section 4-121 Rabies vaccination required; certificate of vaccination; tags.

Section 4-122 Annual dog license and tax.

ARTICLE C

IMPOUNDMENT REGULATIONS

Section 4-131 Impoundment, records, disposition of animals.

Section 4-132 Breaking pound or interfering with impounding officers.

Section 4-133 Animal shelter fees.

Section 4-134 Redemption, adoption, of animal.

ARTICLE D

CRUELTY TO ANIMALS

Section 4-141 Cruelty to animals.

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Section 4-143 Encouraging animals to fight.

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Section 4-161 Animal bites; rabies examination; quarantine.

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Section 4-165 Investigations for violation of chapter.

Section 4-166 Records.

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COURT PROCEDURES AND COMPLAINTS

Section 4-171 Summons and complaint.

Section 4-172 Impoundment.

Section 4-173 Hearing.

Section 4-174 Determination.

ARTICLE H

PENALTY

Section 4-181 Penalty.

ARTICLE A

ANIMAL REGULATIONS

SECTION 4-101 DEFINITIONS.

A. As used in this chapter:

1. “Animal shelter” means any premises designated by action of the Council for the purposes of impounding and caring for animals;

2. “Animal control officer” means the person or persons employed by the City as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

3. ”At large: or “running at large” means any animal when it is not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or not under the control of the owner or an agent of the owner by leash or otherwise, whether on the owner’s premises or not;

4. “Confined on the premises” means that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the animal from leaving the premises and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises upon which the confined animal is located;

5. ”Dangerous animal” means an animal that, without provocation, has chased or approach in either a menacing fashion or in an apparent attitude of attack, or has attempted to bite or otherwise endanger any person or other animal while the animal alleged to be dangerous is off the premises of the owner or while the animal is not physically restrained or confined on the premises. Dangerous animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty;

6. “Diseased animal” means an animal believed to be infected with a dangerous or communicable disease;

7. “Domestic birds” means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto;

8. ”Enclosure” means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry and designed to prevent the animal from escaping;

9. ”Exposed to rabies” means any animal that has been bitten by or exposed to any other animal known to have been infected with rabies;

10. ”Fowl” means chicken, guineas, geese, ducks and pigeons;

11. ”Impoundment” means placing an animal in the animal control vehicle or unit or holding an animal in custody at the animal control shelter’

12. ”Keeper” means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to;

13. ”Kennel” means any place where three (3) or more dogs more than six (6) months of age are kept, sheltered or fed and watered. Kennel includes any place where more than one litter of puppies born to different female dogs are kept on any lot or premise or kept in any structure.

14. ”Large animal” means horse, mule, donkey, cattle, goat, sheep or any other animal of similar size or stature;

15. ”Menacing fashion” means that an animal would cause any person observing the animal to reasonable believe that the animal will cause physical injury to persons or other animals.

16. ”Muzzle” means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person, animal or livestock;

17. ”Neuter” means to render a male dog or cat unable to reproduce;

18. ”Nuisance” means the conduct or behavior of any small or large animal, cat or dog which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter;

19. ”Owner “ or “keeper” means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds;

20. ”Permit” means the permit issued by the City Clerk/Treasurer;

21. ”Provoke” or “provocation” means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person’s body or that any part of the animal’s body is pulled, pinched or squeezed by a person;

22. “Rat proof” means that state of being constructed so as to effectively prevent entry of rats;

23. ”Restraint” means that an animal is controlled by leash or tether, either of which shall not exceed six (6) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper;

24. ”Sanitary” means any condition of good odor and cleanliness which precludes the probability of disease transmission and insect breeding and which preserves the health of the City;

25. ”Severe injury” means any physical injury that result in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery

26. “Small animal” means rabbit, hare, guinea pig, chinchilla, turkey, fowl, hamster, pigeon (except homing pigeons) or any other animal of similar size or stature;

27. ”Spay” means to remove the ovaries of female dog or cat in order to render the animal unable to reproduce;

28. ”Vaccination” means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian;

29. ”Vicious animal” means an animal that, without provocation, has killed or caused physical injury to any person or has killed or caused physical injury to another animal. Vicious animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their official duties and where any injury inflicted by the police dog was reasonable related to the duties being performed; and

30. ”Without provocation” means that an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner’s property from criminal activity by a perpetrator of a crime.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

SECTION 4-102 RUNNING AT LARGE, OWNERS CITED, ENCLOSURES.

It is unlawful for an owner to permit any animal, including fowl, to be at large. An animal running at large in the City shall be taken up by the animal control officer and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

SECTION 4-103 CONTROL OF ANIMALS REQUIRED, AT LARGE.

It is unlawful for any owner or person to:

1. Fail to prevent any animal from running at large within the City;

2. Perform, do or carry out any inhumane treatment against any animal;

3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor, or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the health officer or animal control officer; or

4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter.

SECTION 4-104 BUILDING, STRUCTRURES FOR ANIMALS, LOCATION.

A. Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. No place where an animal is kept shall be closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than the occupied by the owner or occupant of the premises upon which the animal is kept.

C. Every building where any livestock is kept, if located within two hundred (200) feet of any apartment, hotel restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly-tight receptacle of manure, of such size as to hold all accumulation 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.

D. The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the City court against any person for violation of any provision of this chapter, or of any such reasonable order.

SECTION 4-105 KENNELS.

A. Kennel Defined.

As used in this Article, kennel shall mean any place other than a veterinary hospital or medical research institute, where three (3) or more of any combination of dogs and cats, beyond the age of six months are kept, harbored, boarded, or sheltered, whether done for compensation or not.

B. License Required.

No person shall own, maintain or operate a kennel within the corporate limits of the City unless such kennel is licensed as hereinafter provided.

1. Application for such license shall be made to the City Clerk/Treasurer and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located.

2. The kennel license fee shall be three-hundred fifty ($350.00) per year. The kennel license shall be exhibited or posted in a prominent place on the kennel premises. Each animal kept in a kennel shall also be required to have all other tags, licenses, etc., as required by this Chapter or by other local, state and federal law.

3. Licenses shall be issued for a period of one (1) year beginning on the first day of June of each year. Licenses may be issued starting thirty (30) days before June 1 and for thirty (30) days thereafter, or at such time as a new kennel seeks to become operational. The license fees for new kennels shall be prorated for partial years as needed to adjust the license period to the schedule provided for in this paragraph.

4. A kennel owner or operator must show proof of rabies vaccination and of purchase of all other rags, licenses, etc., as required by this Chapter, or other local, state or federal law, when applying for a license.

5. Care of animals in a kennel shall comply with the provisions of this Chapter.

6. Kennels shall be maintained in accordance with the guidelines of the Humane Society of the United States, as now or hereinafter promulgated.

C. Inspection and Enforcement.

1. The premises upon which any kennel is maintained shall be subject to inspection by the animal control officer or any of his representatives, at reasonable times and in a reasonable manner, for the purpose of enforcing this Article.

2. Any person violating any provision of this Article shall be guilty of an offense, and upon conviction, shall be subject to the imposition of a fine of up to the maximum dollar amount allowed by law to be imposed by a municipality. Each separate violation of this Article shall constitute a separate offense.

D. Provisions Cumulative.

The provisions of this Article are cumulative with and supplemental to all other sections of this Code.

SECTION 4-106 NOISY ANIMALS; COMPLAINT PROCEDURE FOR ANIMALS WHICH DISTRUB, ARE IN VIOLATION OF CODE.

A. No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.

B. Any person with knowledge thereof may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, or order punishment as provided in Section 1-108 of this code.

SECTION 4-107 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

SECTION 4-108 KEEPING OF CERTAIN ANIMALS IN CITY.

It is unlawful and a nuisance to keep livestock, including cows, bulls, calves, horses, sheep, swine or goats, or any wild animal, in the City or upon any lot or tract of land within the City. This section shall not apply to pets kept solely within the residence, home or dwelling of t he person owning or harboring such animal, nor shall this prohibition apply to an animal hospital or clinic maintained by a licensed veterinarian.

SECTION 4-109 KEEPING DANGEROUS, VICIOUS ANIMALS UNLAWFUL.

The keeping of vicious, dangerous or diseased animals within the City is unlawful except as may be permitted in this chapter.

A. Definitions:

1. A “Vicious” dog, as the term is used in this section, means:

a. Any dog with a propensity, tendency, history or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans, or other domestic animals; or

b. Any dog that approaches humans or other domestic animals in a vicious or terrorizing manner; or

c. Any dog which attacks a human being or other domestic animal one or more times without provocation; or

d. Any dog which is urged by its owners or harborer to attack, or whose owner or harborer threatens to provoke such dog to attack a law enforcement officer or animal control officer while such officer is engaged in the performance of official duties; or

e. Any dog owned or harbored for the purpose of dog fighting, or any dog trained for dog fighting.

f. Subsections B and C of this section are necessary controls on the unrestrained activities of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards and all areas of the City, and the lack of knowledge of intent is not a defense in violation thereof.

2. A vicious dog is “unconfined”, as the term is used in this section, if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure located upon the premises of the person described in subsection B of this section. Such pen or structure must be of chain link fencing no less than six feet (6’) in height with the chain link no smaller than 9-gauge wire. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot (1’). The dog(s) must have on a leather collar no less than three-eighths inch (3/8”) thick and three inches (3”) wide to which a chain, with links no less than three eights inch (3/8”) thick is attached. The other end of the chain must be fastened securely to a metal stake embedded in the ground with concrete; securely enough to ensure the dig is restrained. The chain must be of a length that will not allow the dog(s) to reach any portion of the fence making up the pen. As an alternative to the dog(s) being chained inside the pen or structure, the pen or structure may have a secure top attached to the sides.

B. Confinement Required: No person owning or harboring or having the care of a vicious dog, shall allow or permit such animal to go unconfined on the premises of such person.

C. Leash and Muzzle or Restraint Required: No person owning or harboring or having the care of a vicious dog shall allow or permit such dog to go beyond the premises of such person, unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled.

D. Posting Notice, Placard: It shall be the duty of the owner or harborers of a vicious dog or dogs to post a notice on the premises where the dog is kept, conspicuously visible to the public in letters of not less than two inches (2”) high and stating either: “Vicious Dog Here” or “Beware Of Vicious Dog”.

E. Insurance Required: Tattooed Identification Number: Owners or harborers of a “vicious dog” or dogs, as defined in subsection A1 of this section, must purchase and provide fifty thousand dollars ($50,000.00) worth of liability insurance for a single incident, should the dog attack anyone. A certificate of insurance must be provided the City Clerk/Treasurer upon licensing of the dog, to provide an identifying photograph of the vicious dog(s) located within the City limits; and the owner must report all births, deaths or transfers of “vicious dogs”, as defined in subsection A1 of this section within the City limits. All vicious dogs shall be tattooed with an identifying number by a licensed veterinarian.

F. Killing Vicious Dogs:

1. If a vicious dog has been impounded for killing or injuring a person, it shall be killed in a humane manner.

2. Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such manner than an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed. The dog must be at large.

G. Impoundment: All “vicious dogs”, as defined in subsection A1 of this section, which are kept in violation of any of the provisions of this section are subject to being impounded by the animal control officer or any City police officer.

H. Applicability of Other Provisions: The owners or harborers of vicious dogs will be subject to the provisions of subsection F2 of this section and all other sections of this code.

I. Penalty: Any person owning, harboring or having the care of a vicious dog who violates any of the provisions of this section shall, upon conviction thereof, be fined as provided in section 1-108 of this code.

SECTION 4-110 KEEPING POISONOUS REPTILES UNLAWFUL.

The keeping of poisonous reptiles within the City is unlawful except as may be permitted under Federal or State Laws.

1. Provisions Cumulative. The provisions hereof shall be cumulative, and in addition to any and all other animal regulations of the ordinances of the City of Elmore City.

2. Repealer. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction.

ARTICLE B

REGISTRATION AND VACCINATION OF ANIMALS

SECTION 4-121 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS.

A. No person shall own, keep or harbor any dog or cat within the City limits unless such dog or cat four (4) months of age or older is vaccinated for rabies annually and in any event before the cat or dog becomes six (6) months of age.

B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense. Note: If dog or cat has had two (2) consecutive year rabies vaccinations, 3rd year may be waived and resume vaccination for rabies in 4th year.

C. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner and upon request shall show such certificate to the City. Such certification shall include the following information:

1. Owner’s full name, address, zip code and telephone number;

2. Breed, date of birth, sex and color or marking of the dog or cat;

3. Type of vaccine and duration of immunity;

4. Signature of the veterinarian or other authorized person administering the vaccination;

5. Name of the animal, if applicable.

D. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.

E. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection D to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner’s consent.

SECTION 4-122 ANNUAL DOG LICENSE AND TAX

A. There is hereby levied an annual license fee upon each dog over the age of six (6) months kept and maintained in the City in such sum as set by the Council by motion or resolution. The fee shall be paid annually on or before May 1 of each year for each male and spayed female dog, and for each unsprayed female dog, to be paid by the owner or keeper of the dog. For any dog which first becomes subject to licensing on or after November 1 shall pay ½ of the annual fee set by the City. Application shall contain information requested by the City Clerk/Treasurer.

B. No dog may be licensed without providing a current certificate of vaccination showing the dog was vaccinated within the six (6) months prior to the date upon which application is made.

C. The clerk shall provide a metallic or plastic license tag to be attached to the licensed animal. The tags shall be consecutively numbered, and recorded with a brief description of the dog. The license tag shall be attached to the animal’s collar, harness or other humane device.

D. It is unlawful to keep or own any dog in the City limits without having first complying with the vaccination and license requirements of this chapter.

ARTICLE C

IMPOUNDMENT REGULATIONS

SECTION 4-131 IMPOUNDMENT RECORD, DISPOSITION OF ANIMALS.

A. The City may contract with an outside agency to serve as the City’s animal shelter or pound to provide for the impoundment of animals pursuant to this chapter

B. Any dog or cat or other animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner.

C. The City animal control officer, upon receiving an animal for impoundment shall record or cause to be recorded the description, breed, color and sex of the animal and the name and address of the owner as may be shown on applicable City animal control records. If the owner is known, the officer shall:

1. Notify the owner at an address or telephone number available to the City; or

2. Leave a notice with a member of the owner’s family, or other person residing at the owner’s home, as shown in the City’s records, over the age of fifteen (15) years, to notify the owner that unless reclaimed within seventy-two (72) hours after impoundment, Saturdays, Sundays, and City holidays excluded, the animal will be destroyed or otherwise disposed of in accordance with City procedures.

SECTION 4-132 BREAKING POUND OR INTERFERING WITH OFFICERS.

A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of nay City pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the City pound any animal liable to be impounded, he shall be guilty of an offense.

B. No person shall interfere with, or hinder, or molest any agent of the City in the performance of any duty of such agent, or seek to release any animal in the custody of the City or its agents, except as provided by law.

SECTION 4-133 ANIMAL SHELTER FEES.

A. Fees for impounding and keeping an animal, to be paid upon redemption, are as set by the City Council by motion or resolution. In computing a fee, a fraction of a day during which an animal or fowl has been fed shall be deemed a full day. Council set fees at $20 per day by motion.

B. Any person redeeming an impounded animal or fowl shall pay the fees to the City Clerk/Treasurer and present the receipt therefore to the person in charge of the animal shelter before the latter releases the animal or fowl.

C. Any dog or cat not vaccinated against rabies being held or impounded by the City shall not be released to the owner or any other person without proof of current vaccination against rabies or without paying a deposit in such sum as is set by the City, which deposit shall be refunded to the person putting up the same upon proof of current vaccination being shown to the animal control officer within seventy-two (72) hours of the release of the animal. If such proof is not presented, then the animal control officer may retake the animal into custody and deposit the deposit with the City Clerk/Treasurer to be retained as expenses of taking the animal into custody.

D. In addition to the above fees, any person requesting impoundment or disposal of an animal by the shelter shall pay a fee for such service as set by the Council by motion or resolution.

E. No dog or cat suffering from rabies or other infectious or dangerous disease may be released from animal control shelter.

SECTION 4-134 REDEMPTION, ADOPTION, OF ANIMAL.

A. 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. If the owner or his agent has not redeemed the animal within seventy-two (72) hours after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.

B. Only animals which have been left in the shelter for more than 3 days will be available for adoption. Animals will be considered for adoption for a period of 10 days.

C. A person requesting adopting must fill animal adoption application. Application must be approved and signed by the Animal Control Officer before adoption is granted.

D. Animals adopted must have all necessary vaccines before leaving the animal shelter. Animals adopted must be spayed or neutered before leaving the animal shelter. Animals that reside inside City limits must be registered with the City before leaving the animal shelter.

E. A person adopting must pay $12.00 for required rabies vaccine. Person adopting must pay $75.00 to spay or neuter. If animal will reside inside City limits, person adopting must pay for City registration. All fees must be paid in advance of release of animal.

ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-141 CRUELTY TO ANIMALS.

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

SECTION 4-142 POISONING ANIMALS.

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

SECTION 4-143 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, non-domesticated animal, or to keep a house, pit or other place used for fights between animals.

ARTICLE F

RABIES AND ANIMAL BITES

SECTION 4-161 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE.

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the City and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four – hour period herein will make him guilty of an offense.

B. The owner, upon demand by any City officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

SECTION 4-162 RABIES DIAGNOSES; QUARANTINE OF CITY; TIME LIMIT.

A. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and ides while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the property public health officer of reports of human contacts and diagnosis made of the suspected animal.

B. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the City may recommend a Citywide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the City without written permission of the animal control officer of the City.

C. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

D. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

SECTION 4-163 KILLING OR REMOVING RABIED ANIMAL PROHIBITED.

A. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove th4e animal from the City limits without written permission from the health officer of the City, or the animal control officer.

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

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

D. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

SECTION 4-164 REPORTS OF BITE CASES; REPORT BY VETERINARIAN.

A. 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.

B. 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 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER.

A. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.

B. The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of the any residence, exhibition by the owner of current animal licenses at anytime.

SECTION 4-166 RECORDS.

The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and

2. An accurate and detailed record of all bite cases reported to the City, with a complete report of the investigation of each case.

ARTICLE G

COURT PROCEDURES AND COMPLAINTS

SECTION 4-171 SUMMONS AND COMPLAINT.

A. Any person who witnesses or has personal knowledge that an act or acts made unlawful by this chapter has been committed may sign a complaint against the alleged violator.

B. Any police officer, animal control officer, or code enforcement officer who is employed by the City is authorized to issue a summons and complaint when the officer personally observes a violation of this chapter.

C. The complainant must provide a sworn complaint to the officer receiving the complaint containing the following information:

1. Name, address and telephone number of the complainant and other witnesses to the incident:

2. Date, time and location of the incident;

3. Description of the animal;

4. Name, address and telephone number (if known) of the animal owner;

5. If alleging a nuisance or dangerous, vicious animal, a statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant, or such facts as warrant a finding threat the animal is a nuisance or vicious, dangerous or diseased; and

6. Other facts and circumstances of the incident.

SECTION 4-172 IMPOUNDMENT.

It is the duty of the animal control officer upon receipt of a verified complaint as outlined in this article to cause the animal involved to be impounded pending a determination as required in this article. Any and all expenses associated with the impounding, including shelter, food, handling and veterinary care, shall be borne by the owner of the animal during the period of impoundment.

SECTION 4-173 HEARING.

The municipal judge, in addition to any hearings which may be required on criminal charge, shall hold a hearing within ten (10) days of the date of impoundment to determine if the animal is a nuisance, or vicious, dangerous or diseased as defined by this code. The hearing maybe held in conjunction with any criminal proceedings if so ordered by the judge, but in no event shall this delay any hearing on determination of viciousness.

SECTION 4-174 DETERMINATION.

A. The municipal judge shall be empowered to make one of the following determinations as a result of the hearing to determine if an animal is vicious, dangerous or diseased:

1. That the animal is in fact not vicious, dangerous or diseased, in which event the animal control officer shall cause it to be surrendered to the owner of the animal, upon payment by the owner of the expenses outlined in this article;

2. That the animal is in fact vicious, dangerous or diseased, and should be destroyed;

3. That the animal is vicious, dangerous or diseased by that for good cause shown, the animal should not be destroyed, in which event the judge shall order one of the following:

a. That the animal be immediately removed from the corporate limits of the City and not to ever be again allowed within the corporate limits of the City, and that the owner shall pay all fees required;

b. That the owner be allowed to maintain the vicious animal within the corporate limits of the City under the conditions specified in this paragraph:

(1) Payment of all fees required in this article;

(2) That the animal be leashed and muzzled. No person covered by this requirement shall permit the animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer that four (4) feet in length. No person shall permit the animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animal may not be leashed to inanimate object such as trees, posts, buildings, etc. In addition, all animals on a leash outside the animal’s kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals;

(3) That the animal be confined. All animals covered by this requirement shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except where leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine such animal must be locked with a key or combination lock when the animal is within the structure. Such structure must have a secure bottom or floor attached to the side of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house the animals must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated, and kept in a clean and sanitary condition;

(4) That the animal be confined indoors. No animal covered by this requirement may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition, In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the animal from exiting the structure;

(5) That a warning sign be displayed. All owners, keepers or harborers of animals covered by this requirement shall display in a prominent place on the premises where the animal is kept a sign easily readable by the public using the words “BEWARE OF VICIOUS ANIMAL”. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

4. An owner whose animal is adjudged to be vicious at the hearing and sentence is imposed by the judge pursuant to this action, upon written demand, may appeal the judge’s decision within ten (10) days to the district court of the county in the same manner as other appeals from actions of the municipal court.

B. If the judge finds that an animal is a nuisance, he may order destruction of the animal or other penalty or action provided in Subsection A of this section or this code. If the owner of such an animal shall provide good and sufficient bond as set by the judge with surety, approved by the court, conditioned that the owner shall abate and prevent the nuisance, the court may order the return of the animal to the owner upon payment of the impoundment or other fees and the approval of the surety. In no event shall a dog be returned to the owner if it is not vaccinated, registered or licensed as required in this chapter.

C. On other violations of this chapter, the judge may take whatever action deemed necessary, including but not limited to the actions in Subsection A of this section if appropriate, in addition to fine or penalty.

ARTICLE H

PENALTY

SECTION 4-181 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.

**ANIMALS**

CHAPTER 2

(RESERVED)

**ANIMALS**

**BUILDING REGULATIONS AND CODES**

PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101 Building code adopted.

Section 5-102 Additions and changes to building code.

Section 5-103 Penalty.

Section 5-104 Fire limits defined.

Section 5-105 Building permit required, fee.

CHAPTER 2

PLUMBING CODE AND REGULATIONS

Section 5-201 Plumbing code adopted.

Section 5-202 Additions, insertions and changes to plumbing code.

Section 5-203 Plumbers; registration; fees.

Section 5-204 Issuance of a permit, inspections.

Section 5-205 Exception.

Section 5-206 Application for permit.

Section 5-207 Penalty.

CHAPTER 3

ELECTRICAL CODE

Section 5-301 Electrical Code adopted.

Section 5-302 Permit required.

Section 5-303 Fees for permits and inspections.

Section 5-304 Electricians; registration; fees.

Section 5-305 Transfer of registration prohibited.

Section 5-306 Exception.

Section 5-307 Penalty.

CHAPTER 4

GAS PIPING CODE

Section 5-401 Code adopted.

Section 5-402 Gas fitter’s registration required; fees for inspection permits.

Section 5-403 Exception.

Section 5-404 Penalty.

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501 Persons must comply with code.

Section 5-502 Penalty.

CHAPTER 6

HOUSING CODE

Section 5-601 Adoption of Housing Code.

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of mechanical code.

Section 5-702 Additions, insertions and changes.

Section 5-703 Permit required.

Section 5-704 Fees for permits and inspections.

Section 5-705 Mechanical registrations; fees.

Section 5-706 Transfer of registration prohibited.

Section 5-707 Exception.

Section 5-708 Penalty.

**BUILDING REGULATIONS AND CODES**

CHAPTER 1

BUILDING CODE AND REGUALTIONS

Section 5-101 Building code adopted.

Section 5-102 Additions and changes to building code.

Section 5-103 Penalty.

Section 5-104 Fire limits defined.

Section 5-105 Building permit required, fee.

SECTION 5-101 BUILDING CODE ADOPTED.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE.

The following sections of the City’s building code are hereby revised.

1. Section 100.1, insert in field [NAME OF JURISDICTION] as “City of Elmore City.”

2. Section 109.2, insert at end: “The fee schedule shall be in accordance with the provisions of the City code, or as may be set or amended by ordinance or resolutions”;

3. Section 114.4, replace “shall be subject to penalties as prescribed by law”: to “shall be punishable by fine and imprisonment as provided in Section 1-108 of the City code of ordinances”.

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 or plan submitted and approved there under or of a permit or certificate issued there under, 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 FIRE LIMITS DEFINED.

The boundaries of the fire limits of the City shall be as established by the Elmore City Fire Chief and approved by the Elmore City Council.

SECTION 5-105 BUILDING PERMIT REQUIRED, FEE.

It is unlawful for any person, firm or corporation to construct, alter, or move a building or structure, or to begin to do the same, without securing from the City Clerk/Treasurer a permit therefore. Building Permit fee is $10.00 as set by the City Council.

**BUILDING REGULATIONS AND CODES**

CHAPTER 2

PLUMBING CODE AND REGULATIONS

Section 5-201 Plumbing code adopted.

Section 5-202 Additions, insertions and changes to plumbing code.

Section 5-203 Plumbers; registration; fees.

Section 5-204 Issuance of a permit, inspections.

Section 5-205 Exception.

Section 5-206 Application for permit.

Section 5-207 Penalty.

SECTION 5-201 PLUMBING CODE ADOPTED.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE.

The following sections are hereby revised as follows:

1. Section 101.1 insert in field [NAME OF JURISDICTION] as “City of Elmore City.”

2. Section 108.4 after “…shall be guilty of a” replace with “…misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person 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.”

SECTION 5-203 PLUMBERS; REGISTRATION; FEES.

A. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber’s apprentice unless he is registered as such with the plumbing inspector of the City as required in the City’s plumbing code. The registration fees as may be set by the City Council be motion or resolution, and to be paid to the City Clerk/Treasurer are as follows:

1. Plumbing contractor;

2. Journeyman plumber;

3. Apprentice plumber.

Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all plumbers presently holding paid-up licenses from the City shall be given credit prop rata for the unexpired portion thereof in the event they do register under the code within thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year’s fee as hereinabove designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rate on the unused portion of their first year’s registration.

B. Bond and insurance requirement of plumbing contractors shall meet the requirements established by state law prior to the issuance of a license or registration.

C. All fees provided for in this chapter shall be paid to the City Clerk/Treasurer for deposit to the account of the City.

SECTION 5-204 ISSUANCE OF A PERMIT, INSPECTIONS.

A. No plumbing work, unless excepted in this code, shall be undertaken prior to the issuance of a permit therefore by the plumbing inspector. A permit shall be issued to a registered plumbing contractor only, except as provided in this code.

B. Upon the completion of the installation of any plumbing device, or equipment, it shall be the duty of the person, firm or corporation installing same to notify the plumbing inspector and the inspector shall inspect the installation within twenty-four (24) hours after notice is given.

C. If upon inspection it is found that any part of the installation does not comply with the provisions of this chapter, the inspector shall give notice in writing of the violation to the person, firm, or corporation to whom the permit is issued.

SECTION 5-205 EXCEPTION.

Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The plumbing inspector must inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permit.

SECTION 5-206 APPLICATION FOR PERMIT.

Application for a permit for plumbing work shall be made on suitable forms provided by the plumbing inspector. The application shall be accompanied by fees in accordance with the schedule set by the City.

SECTION 5-207 PENALTY.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person 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.

**BUILDING REGULATIONS AND CODES**

CHAPTER 3

ELECTRICAL CODE

Section 5-301 National Electrical Code adopted.

Section 5-302 Permit required.

Section 5-303 Fees for permits and inspections.

Section 5-304 Electricians; registration; fees.

Section 5-305 Transfer of registration prohibited.

Section 5-306 Exception.

Section 5-307 Penalty.

SECTION 5-301 ELECTRICAL CODE ADOPTED.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-302 PERMIT REQURIED.

A. Before any electrical wiring, device or equipment, subject to the provisions of this chapter, is altered or repaired, a permit therefore must be obtained from the electrical inspector. The permit shall state the location of the work to be done, a description of the work and whether it will consist of a new installation, or addition or repair or alteration of an old installation, and the name of the owner or occupant of the building or premises. Unless the permit is for work exempted in this code, the permit shall be issued only in the name of a licensed electrical contractor upon the presentation of an application by the contractor in person. An agent or employee of the contractor shall not be allowed to act on behalf of the contractor.

B. The permit, when issued, shall be for such installation as described in the application and no deviation shall be made from the installation so described without the written approval of the electrical inspector.

C. If upon inspection, it is found that any part of the installation does not comply with the provisions of this chapter, the inspector shall give notice in writing, of the violation to the person, firm or corporation to whom the permit was issued.

SECTION 5-303 FEES FOR PERMITS AND INSPECTIONS.

Before any permit is granted for the installation, alteration or repair of any electrical wiring, devices or equipment, the person, firm or corporation making application for such permit shall pay to the City a fee in the amount set by the City. All fees provided for in this chapter shall be paid to the City Clerk/Treasurer for deposit to the account of the City.

SECTION 5-304 ELECTRICIANS; REGISTRATION; FEES.

A. No person shall practice or engage in the business, trade or occupation of an electrical contractor, journeyman electrician or electrician’s apprentice unless he holds a current license obtained from the state, and is registered as such with the electrical inspector of the City as required in the Sate Electrical License Act. The registration fees are as may be as set by the City Council as follows:

1. Electrical contractor;

2. Journeyman electrician;

3. Apprentice electrician.

Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all electricians presently holding paid-up registration certificates from the City shall be given credit pro rate for the unexpired portion thereof in the event they do register under the code within thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year’s fee as herein above designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rata on the unused portion of their first year’s registration.

B. Bond and insurance requirements of electrical contractors shall meet the requirements established by state law prior to the issuance of a license or registration.

SECTION 5-305 TRANSFER OF REGISTRATION PROHIBITED.

No registration issued in accordance with the provisions of this chapter shall be transferable. Any holder of a license who shall permit or allow same to be used by any other party to obtain a permit to do electrical work as specified in this chapter shall be subject to having such license revoked by the City Council. All registrations expire on June 30 of each year and are subject to renewal on or before June 30 by paying the renewal registration fees as required by this chapter.

SECTION 5-306 EXCEPTION.

Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The electrical inspector must inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permits.

SECTION 5-307 PENALTY.

A violation of this chapter 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 this chapter shall be punished as provided in Section 1-108 of this code.

**BUILDING REGULATIONS AND CODES**

CHAPTER 4

GAS PIPING CODE

Section 5-401 Code adopted.

Section 5-402 Gas fitter’s registration required; fees for inspection permits.

Section 5-403 Exception.

Section 5-404 Penalty.

SECTION 5-401 CODE ADOPTED.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-402 GAS FITTER’S REGISTRTION REQUIRED; FEES FOR INSPECTION

PERMITS.

A. No person shall practice or engage in the business, trace or occupation of a gas fitter unless he holds a current Oklahoma plumbing contractor’s license or a current Oklahoma mechanical contractor’s license and obtains from the City Clerk/Treasurer a gas fitter’s registration certificate. The fee for such registration or renewal is the same provided for the plumbing contractor or mechanical contractor pursuant to this code.

B. Before a permit shall be issued by the plumbing or mechanical inspector for new installation of gas piping, repair or replacement of existing piping, or the installation of gas fired equipment, fees as set by the City shall be paid to the City Clerk/Treasurer. The fees shall be as set by the City.

SECTION 5-403 EXCEPTION.

Any permit required by this chapter may be issued to any person to do any work required by this chapter in a dingle family dwelling used exclusively for living purposes, including the usual accessory building and quarters in connection with such buildings, provided the person is a bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The plumbing inspector may inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permits.

SECTION 5-404 PENALTY.

Any person who shall do any act prohibited by this chapter or fail or refuse to comply therewith or fail or refuse to obey a lawful order of the inspector shall be punished by a fine as provided in Section 1-108 of this code.

**BUILDING REGULATIONS AND CODES**

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501 Persons must comply with code.

Section 5-502 Penalty.

SECTION 5-501 PERSONS MUST COMPLY WITH CODE.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-502 PENALTY.

Any person, firm or corporation who shall violate this ordinance, or any section or part of section thereof, is guilty of an offense, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code.

**BUILDING REGULATIONS AND CODES**

CHAPTER 6

HOUSING CODE

Section 5-601 Adoption of Housing Code.

SECTION 5-601 ADOPTION OF HOUSING CODE.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

**BUILDING REGULATIONS AND CODES**

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of mechanical code.

Section 5-702 Additions, insertions and changes

Section 5-703 Permit required.

Section 5-704 Fees for permits and inspections.

Section 5-705 Mechanical registrations; fees.

Section 5-706 Transfer of registration prohibited.

Section 5-707 Exception.

Section 5-708 Penalty.

SECTION 5-701 ADOPTION OF MECHANICAL CODE.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 5-702 ADDITIONS, INSERTIONS AND CHANGES.

The following sections are hereby revised as follows:

1. Section 101.1, insert in field [NAME OF JURISDICTION] as “City of Elmore City.”

SECTION 5-703 PERMIT REQUIRED.

A. It is unlawful for any person, firm or corporation to install, alter or repair any mechanical device or equipment, subject to the provisions of this chapter, without first securing a permit therefore from the City, stating the location of the work to be done, a description of the work and whether it will consist of a new installation, or addition thereto, and the name of the owner or occupant of the building or premises. The permit, when issued, shall be to such person.

B. The permits, when issued, shall be for such installation as described in the application and no deviation shall be made from the installations as described without the written approval of the City.

SECTION 5-704 FEES FOR PERMITS AND INSPECTIONS.

Before any permit is granted for the installation, alteration or repair of any mechanical devices or equipment, the person, firm or corporation making application for such permit shall pay to the City a fee as may be set by the City. All fees provided for in this chapter shall be paid to the City Clerk/Treasurer for deposit to the account of the City.

SECTION 5-705 MECHANICAL REGISTRATION; FEES.

A. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical plumber, or a mechanical apprentice unless he is registered as such with the City as required in the City’s mechanical code. The registration fees are as may be set by the City Council by motion or resolution, and shall be paid to the City Clerk/Treasurer shall be as set by the City Council as follows:

1. Mechanical contractor;

2. Mechanical journeyman;

3. Mechanical apprentice.

Payment of fee shall accompany the application. All registration certificates shall expire on the 30th day of June of each year. However, all mechanical registrants presently holding paid=up licenses from the City shall be given credit prorate for the unexpired portions thereof in the event they do register under the code within thirty (30) days from the effective date thereof. Otherwise, all original applicants for registration shall pay a full year’s fee as hereinabove designated, save and except that those original applicants who are registered after January 1, upon the first renewal of the registration, be entitled to credit for the renewal year in an amount as will give them credit pro rata on the unused portion of their first year’s registration.

B. Bond and insurance requirements of mechanical contractors shall meet the requirements established by state law prior to the issuance of a license or registration.

SECTION 5-706 TRANSFER OF REGISTRATION PROHIBITED.

No registration issued in accordance with the provisions of this chapter shall be transferable. Any holder of a registration who shall permit or allow same to be used by any other party to obtain a permit to do mechanical work as specified in this chapter shall be subject to having such registration revoked by the City. All registrations expire on June 30 of each year and are subject to renewal on or before June 30 by paying the renewal registration fee as required by this chapter.

SECTION 5-707 EXCEPTION.

A. Any permit required by this chapter may be issued to any person to do any work required by this chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is the bona fide owner of such dwelling and that the same will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. The plumbing inspector must inspect the work to see that it complies with this chapter and the owner shall pay the regular schedule fees for permits.

B. The registration provisions of this chapter do not apply to:

1. A person who is the property owner of record, or his authorized representative, when performing minor repair which shall include but not be limited to cleaning, adjusting, calibration and repair of mechanical system parts and replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operations of the equipment;

2. The installation of portable, self-contained, ductless air conditioners or heater;

3. The setting or connecting of detached air conditioning units which utilize flexible duct work on manufactured homes. The term manufactured home shall be the same as defined in Section 1102 of Title 47 of the Oklahoma Statues; or

4. The installation of boilers which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of Sections 141.1 through 141.18 of Title 40 of the Oklahoma Statutes.

C. The registration requirements of this chapter shall not apply to public utilities, public service corporations, rural electric association, or municipal utilities and their subsidiaries during work of their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment.

SECTION 5-708 PENALTY.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person 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.

**BUILDING REGULATIONS AND CODES**

**BUILDING REGULATIONS AND CODES**

**COURT**

PART 6

COURT

CHAPTER 1

COURT PROCEDURE

Section 6-101 Definitions.

Section 6-102 Purpose.

Section 6-103 Jurisdiction.

Section 6-104 Change of venue; disqualification of judge.

Section 6-105 Chief of police as principal officer of court.

Section 6-106 Clerk of court; duties.

Section 6-107 City Attorney; powers and duties.

Section 6-108 Bond.

Section 6-109 Authority of judge to prescribe rules.

Section 6-110 Traffic violations bureau created; payment of fines, fines in lieu of appearance.

Section 6-111 Designation of fines, traffic violations bureau.

Section 6-112 Prosecutions; filing of complaint, defects raised only prior to trial.

Section 6-113 Ordinance violations; procedures for issuing citations; custody, arrest.

Section 6-114 Traffic bail bond act.

Section 6-115 Issuance of summons; failure to appear.

Section 6-116 Failure to appear according to terms of bond, bond forfeiture, bench warrant.

Section 6-117 Complainant, witnesses, failure to appear.

Section 6-118 Issuance of warrant.

Section 6-119 Procedures for bail or bond, bond schedule.

Section 6-120 Arraignment.

Section 6-121 Postponement of trial.

Section 6-122 Defendant’s presence required at trial.

Section 6-123 Procedure for trials not within scope of chapter.

Section 6-124 Right to trial by jury, waiver.

Section 6-125 Judgment.

Section 6-126 Judgment of imprisonment.

Section 6-127 Suspension of deferment of judgment, powers.

Section 6-128 Payment of costs by defendant.

Section 6-129 Witness fees.

Section 6-130 Enforcement of fines and costs, imprisonment, work and community service.

Section 6-131 Same offense punishable by different sections of the code

Section 6-132 Contempt of court.

Section 6-133 Penalty assessments.

Section 6-134 Fines, recoverable by civil action; failure to pay separate offense, imprisonment.

CHAPTER 2

JUDGE

Section 6-201 Judge; created; qualifications.

Section 6-202 Term of office of judge.

Section 6-203 Appointment of judge, alternate judge.

Section 6-204 Acting judge.

Section 6-205 Compensation.

Section 6-206 Removal of judge from office.

Section 6-207 Vacancy.

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**COURT**

CHAPTER 1

COURT PROCEDURE

Section 6-101 Definitions.

Section 6-102 Purpose.

Section 6-103 Jurisdiction.

Section 6-104 Change of venue; disqualification of judge.

Section 6-105 Chief of police as principal officer of court.

Section 6-106 Clerk of court; duties.

Section 6-107 City Attorney; powers and duties.

Section 6-108 Bond.

Section 6-109 Authority of judge to prescribe rules.

Section 6-110 Traffic violations bureau created; payment of fines, fines in lieu of appearance.

Section 6-111 Designation of fines, violations bureau.

Section 6-112 Prosecutions; filing of complaint, defects raised only prior to trial.

Section 6-113 Ordinance violations, procedures for issuing citation; custody, arrest.

Section 6-114 Traffic bail bond act.

Section 6-115 Issuance of summons; failure to appear.

Section 6-116 Failure to appear according to terms of bond, bond forfeiture bench warrant.

Section 6-117 Complaint, witnesses, failure to appear.

Section 6-118 Issuance of warrant.

Section 6-119 Procedures for bail or bond, bond schedule.

Section 6-120 Arraignment.

Section 6-121 Postponement of trial.

Section 6-122 Defendant’s presence required at trial.

Section 6-123 Procedure for trials not within scope of chapter.

Section 6-124 Right to trial by jury, waiver.

Section 6-125 Judgment.

Section 6-126 Judgment of imprisonment.

Section 6-127 Suspension or deferment of judgment, powers.

Section 6-128 Payment of costs by defendant.

Section 6-129 Witness fees.

Section 6-130 Enforcement of fines and costs, imprisonment, work and community service.

Section 6-131 Same offense punishable by different sections of the code.

Section 6-132 Contempt of court.

Section 6-133 Penalty assessments.

Section 6-134 Fines, recoverable by civil action; failure to pay separate offense, imprisonment.

SECTION 6-101 DEFINITIONS.

1. “Chief of police” means the peace officer in charge of the police force of the City;

2. “Clerk” means the court clerk, 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 criminal court of this City;

4. “Judge” means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter; and

5. “This judicial district” means the district court judicial district of the state wherein the government of this City is situated.

SECTION 6-102 PURPOSE.

This chapter shall govern the organization and operation of the municipal criminal court of the City, as put into operation by resolution duly passed and filed in accordance with law, as authorized by state statutes. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of this City, the provisions of this chapter shall control.

SECTION 6-103 JURISDICTION.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this City is charged, including any such prosecutions transferred to the court in accordance with applicable law.

SECTION 6-104 CHANGE OF VENUE; DISQUALIFICATION OF JUDGE.

In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he 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 acting judge, appointed as provided in this chapter.

SECTION 6-105 CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT.

All writs or processes of the court shall be directed, in his official title, to the chief of police, who shall be the principal officer of the court.

SECTION 6-106 CLERK OF COURT; DUTIES.

A. The clerk or a deputy designated by him shall be the clerk of the court.

B. The clerk shall;

1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;

2. Administer oaths required in proceedings before the court;

3. Enter all pleadings, processes and proceedings in the dockets of the courts;

4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and

5. Receive any receipt for forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court or the City Council.

C. The clerk shall pay to the treasurer of the City all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the Bail Bond account of the City, or in such other fund as the Council may direct until after disposition and then shall be transferred to the City’s General Fund account.

SECTION 6-107 CITY ATTORNEY; POWERS AND DUTIES.

The City Attorney or his duly designated assistant may be the prosecuting officer of the court. He may prosecute, in his discretion, all alleged violations of the ordinances of the City. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state, and to represent this City in all proceedings arising out of matters in this court.

SECTION 6-108 BOND.

The clerk of the court shall give bond in such sum as set by the Council, in the form provided by state law. When executed, the bond shall be submitted to the Council for approval. When approved, it shall be filed with the clerk and retained in the municipal archives.

SECTION 6-109 AUTHORITY OF JUDGE TO PRESCRIBE RULES.

he judge may prescribe rules, consistent with the laws of the state and with the ordinances of this City, for the proper conduct of the business of the court.

SECTION 6-110 TRAFFIC VIOLATIONS BUREAU CREATED; PAYMENT OF FINES, FINES IN LIEU OF APPEARANCE.

A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the traffic ordinances of this City, other than a second offense within a twelve-month period, a driver’s license offense, or an offense punishable by more than One Hundred Dollars ($100.00), may elect to pay fine in the violations bureau according to a schedule of fines prescribed from time to time by the City. The payment shall constitute a final determination of the cause against the defendant.

B. The court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provisions of this chapter.

SECTION 6-111 DESIGNATION OF FINES, VIOLATIONS BUREAU.

The judge is authorized to establish a minimum fine schedule to become effective upon approval by resolution of the City Council. The minimum fine schedule when established shall provide for a minimum amount which a person may pay upon a plea of guilty or nolo contender to the listed offenses. The minimum fine schedule shall include fine, court costs and any assessments set by state law within the specified amount. Upon plea of guilty or nolo contender and payment of the required minimum fine prior to the date scheduled for court appearance, no further court appearance shall be required. The judge shall authorize the court clerk to accept pleas of guilty and nolo contender where the amount of the minimum fine is paid at the time of such pleas and prior to the scheduled court appearance date.

SECTION 6-112 PROSECUTIONS; FILING OF COMPLAINT, FEES, DEFEFCTS RAISED PRIOR TO TRIAL.

A. All prosecutions for violation of ordinances of this City shall be styled “The City of Elmore City, Oklahoma vs. (naming defendant or defendant).” Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.

B. There is no duty on the part of the City or any of its officers or employees to formally prosecute actions in the court. In the absence of a prosecuting officer, the judge shall proceed with the case and hear evidence and examine witnesses in such manner as he may deem necessary to effect justice

C. Any person, except a police officer or other employee of the City, filing a criminal offense complaint in the municipal court shall deposit with the clerk of the court, unless waived by order of the court, the court cost gee as provided in this chapter. The court costs so deposited by such a complainant shall be refunded to the complainant or person depositing same upon conviction or acquittal of the defendant; the court costs shall not be refunded if the charges are dismissed at the request of the complainant who made the deposit because the complainant fails or refuses to appear in court to testify or aid in the prosecution of the charge field by such complainant.

D. All defects in the form or substance apparent on the face of a complaint charging a violation of an ordinance of this City, and being grounds for motion or demur, may only be raised by an accused in writing and prior to trial.

E. A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the court where the same can be done without material prejudice to the rights of the defendant. No amendment shall cause any delay of the trial, unless good cause is shown by affidavit.

SECTION 6-113 ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST.

A. If a resident of this City is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do 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. However, the arresting officer need not release the person if it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or 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.

B. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

C. If a nonresident of this City is arrested by a law enforcement officer for a violation of any ordinance for which Section 6-114 of this code does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. If the alleged offense be a violation of an ordinance restricting or regulating the parking or vehicles, including any regulations issued under such an ordinance, and the operator by not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

SECTION 6-114 TRAFFIC BAIL BOND ACT.

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 party to the Nonresident Violator Compact, or any party jurisdiction of the Nonresident 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 material.

B. If the arrested person is eligible for release on personal 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 signed 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. 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 as required 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. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be prescribed by ordinance for the violation charged or as 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 form 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 the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at 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 6-115 ISSUANCE OF SUMMONS; FAILURE TO APPEAR.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless be 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 or by certified mail. If he fails to appear and to answer the summons with the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

C. Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the court, and who fails to appear pursuant to his written promise or as directed by the court shall be deemed guilty of an offense, which shall be punishable as provided

SECTION 6-116 FAILURE TO APPEAR ACCORDING TO TERMS OF BOND, BOND FORFEITURE, BENCH WARRANT.

A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. The judge may also order a bench warrant to be issued for the defendant as provided in this chapter.

B. The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 5 of the Oklahoma Statutes, and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 of the Oklahoma Statues and Sections 1301 through 1340 of Title 5 of the Oklahoma Statutes.

C. Court costs shall be collectible form the proceeds of the bond.

SECTION 6-117 COMPLAINANT, WITNESSES, FAILURE TO APPEAR.

No person, having signed a complaint in the municipal court of the City alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial.

SECTION 6-118 ISSUANCE OF WARRANT.

A. Except as otherwise provided by City ordinance, upon the filing of a complaint approved by endorsement by the City Attorney or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Elmore City, Oklahoma to the police chief of the City of Elmore City, Oklahoma. Complaint upon oath this day has been made by (naming complainant) that the offense of (naming the offense in general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring (insert him, her or them, as appropriate) before me, at (naming the place).

Witness my hand this day of , 20 .

Judge of the Municipal

Criminal Court of

Elmore City, Oklahoma

B. It is the duty of the police chief personally, or through a duly constituted member of the City police force or through any other person lawfully authorized so to act, to execute the warrant as promptly as possible.

SECTION 6-119 PROCEDURES FOR BAIL OR BOND, BOND SCHEDULE.

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 may 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 and release of the defendant. In case of arrests made at night or under other conditions of 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 no more than the maximum monetary penalty provided by ordinance for the offense charged. The judge or police chief is authorized, subject to conditions as may be prescribed by the judge, to release a resident of the municipality on personal recognizance.

B. The City’s bail bond schedule setting forth specific offenses and bail bond amounts and procedures therefore, as amended from time to time is hereby adopted and incorporated herein by reference.

SECTION 6-120 ARRAIGNMENT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the City Attorney, 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 6-121 POSTPONEMENT OF TRIAL.

Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

SECTION 6-122 DEFENDANT’S PRESENCE REQUIRED AT TRIAL.

The defendant must be present in person at the trial of his case in court.

SECTION 6-123 PROCEDURE FOR TRIALS NOT WITHIN SCOPE OF CHAPTER.

In all trials, as to matters not covered in this chapter, by the statutes relating to municipal criminal courts, or by rules duly promulgated by the state Supreme Court, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

SECTION 6-124 RIGHT TO TRIAL BY JURY, WAIVER.

A. In all prosecutions for violations of ordinances punishable by fine of more than One Hundred Dollars ($100.00), or by imprisonment, or by both fine and imprisonment, trail shall be by jury unless waived by the defendant. If trial by jury is waived, trial shall be by the court.

B. At arraignment, the defendant shall be asked whether he demands or waives trial by jury. H is election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.

C. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set. An election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial; but if that change occurs after the case has been set for jury trial, it may not thereafter be recharged so as again to demand trial by jury.

SECTION 6-125 JUDGMENT.

At the close of trial, judgment must be rendered without undue delay by the judge, who shall cause it to be entered in his docket:

1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;

2. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and

3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in Section 6-128 of this code.

SECTION 6-126 JUDGMENT OF IMPRISONMENT.

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 officer. Such copy shall be sufficient warrant for execution of the sentence.

SECTION 6-127 SUSPENSION OR DEFERMENT OF JUDGMENT, POWERS.

A. The judge of the court 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 part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other City-owned or maintained projects, with proper supervision.

B. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.

C. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.

D. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.

E. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed the next following court date. At the expiration of such period, the judge may allow the City Attorney to amend the charge to lesser offense.

F. If a deferred sentence is imposed, an administrative fee of One Hundred Dollars ($100.00) may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.

G. The court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court.

SECTION 6-128 PAYMENT OF COSTS BY DEFENDANT.

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the sum of Fifty dollars ($50.00), or the maximum sum permitted by state law, whichever is greater, and the fees and mileage of jurors and witnesses, and any assessments levied, all of which the defendant shall pay, in addition to any fine that may be imposed.

SECTION 6-129 WITNESS FEES.

A. Witnesses in any proceeding in the court, other than police or peace officers who shall be employed by the City, shall be entitled to a witness fee as established by the City Council by motion or resolution per each day of attendance, plus mileage per mile actually and necessarily traveled in going to and returning from the place of attendance, if the residence is more than ten (10) miles distant from the place of trial. No witness, however, shall receive fees or mileage in more than one case for the same period of time or for the same travel. A defendant seeking to subpoena witnesses must deposit with the court clerk a sum sufficient to cover fees and mileage 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 forth:

1. The names of no more witnesses than the municipal judge for the City shall determine to be just, necessary and reasonable for the proper defense of such indigent’s case;

2. That the defendant by reason of his poverty is unable to provide the fees and mileage allowed by law;

3. That the testimony of such witness is material; and

4. That the attendance at the trail is necessary to his proper defense.

B. In any case where an indigent defendant has properly filled out and filed with the City an affidavit setting forth the above mentioned information, then the fees for such witnesses shall be paid for by the City.

SECTION 6-130 ENFORCEMENT OF FINES AND COSTS, IMPRISONMENT, WORK

AND COMMUNITY SERVICE.

A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of Five Dollars ($5.00) per day.

B. 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 where it shall be entered upon the district court docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement as are available to any other judgment creditor.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenue or ways, public buildings or other public premises or property. For each day of such work, the prisoner or defendant shall be credited for two (2) days of imprisonment toward any fine or costs or witness or juror fees or mileage until the same are satisfied.

D. The City shall direct where the work shall be performed. The appropriate officer shall oversee the work. If a guard is necessary, the chief of police shall make provision therefore.

SECTION 6-131 SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE

CODE.

In all cases where the same offense is made punishable or is created by different sections of this code, the City Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

SECTION 6-132 CONTEMPT OF COURT.

Obedience to the orders, rules and judgments made by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state.

SECTION 6-133 PENALTY ASSESSMENTS.

A. Any person:

1. Convicted of an offense punishable by a fine of Ten Dollars ($10.00O or more or by imprisonment, excluding parking and standing violations; or

2. Forfeiting bond when charged with such an offense under paragraph one hereof, shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessment; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.

B. Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.

C. At the end of every quarter the City shall deposit with the Oklahoma State Treasury the funds deposited in the law enforcement training funds and the A. F. I. S. (automated fingerprint identification) Fund as required by law. The court clerk shall also furnish to the State Treasury reports required on the funds collected and penalty assessments imposed each quarter.

D. For the purpose of this section, “conviction” means any final adjudication of guilt, whether pursuant to plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

SECTION 6-134 FINES RECOVERABLE BY CIVIL ACTION; FAILURE TO PAY

SEPARATE OFFENSE, IMPRISONMENT.

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

B. The failure to pay a fine levied pursuant to this code shall constitute a separate offense against the City, subject to a fine as provided in Section 1-108 of this code.

C. If a fine is not paid by the defendant, the fine may be collected by committing the defendant to the City jail, where he shall remain until his fine and any costs assessed against him are discharged, either by payment or by confinement in jail, or by working in accordance with other provisions of this code or state law.

**COURT**

CHAPTER 2

JUDGE

Section 6-201 Judge; created; qualifications.

Section 6-202 Term of office of judge.

Section 6-203 Appointment of judge, alternate judge.

Section 6-204 Acting judge.

Section 6-205 Compensation.

Section 6-206 Removal of judge from office.

Section 6-207 Vacancy.

SECTION 6-201 JUDGE; CREATED; QUALIFICATIONS.

There shall be one judge of the court. A judge shall be a person at least twenty-one years of age and possessed of good moral character. A judge who is a licenses attorney may engage in the practice of law in other courts, but he 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 subject of proceedings therein.

SECTION 6-202 TERM OF OFFICE OF JUDGE.

The official term of the judge shall be two (2) years, expiring of the 1st Monday of May in each odd-numbered year.

SECTION 6-203 APPOINTMENT OF JUDGE, ALTERNATE JUDGE.

A. Judges shall be appointed by the Mayor with the consent of the City Council. A proposed appointment shall be submitted in writing to the City Council at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The City Council may decide upon the proposed appointment by a majority vote of all the members of the Council. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the Council unless the Mayor, in writing, withdraws the proposed appointment.

B. There may be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall set as judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.

SECTION 6-204 ACTING JUDGE.

If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this chapter for the judge shall be appointed as acting judge. The acting judge shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available.

SECTION 6-205 COMPENSATION.

A judge shall receive such salary as may be established and shall be paid in the same manner as the salaries of other officials of this City.

**COURT**

**COURT**

**FINANCE AND TAXATION**

PART 7

FINANCE AND TAXATION

CHAPTER 1

FINANCES GENERALLY

Section 7-101 Appropriation of monies.

Section 7-102 Investments.

Section 7-103 Depositories designated, deposit of funds.

Section 7-104 Funds secured by unit collateral system.

CHAPTER 2

PURCHASES BY CITY

Section 7-201 Definition.

Section 7-202 By whom made.

Section 7-203 Procedure.

Section 7-204 When bidding not required.

Section 7-205 Disposition of surplus or obsolete material, competitive bidding.

Section 7-206 When competitive bidding is not required.

CHAPTER 3

SALES TAX

Section 7-301 Citation of chapter.

Section 7-302 Definitions.

Section 7-303 Classification of taxpayers.

Section 7-304 Subsisting state permits.

Section 7-305 Purpose of revenues; disposition of proceeds.

Section 7-306 Tax rate; sales subject to tax.

Section 7-307 Exemptions; sales subject to other tax.

Section 7-308 Exemptions; governmental and nonprofit entities.

Section 7-309 Exemptions; general.

Section 7-310 Exemptions; agriculture.

Section 7-311 Exemptions; manufacturers.

Section 7-312 Exemptions; corporations and partnerships.

Section 7-313 Tax due and payable.

Section 7-314 Payment of tax; brackets.

Section 7-315 Tax constitutes prior claim.

Section 7-316 Vendor’s duty to collect tax.

Section 7-317 Returns and remittances; discounts.

Section 7-318 Interest and penalties; delinquency; discount forfeiture.

Section 7-319 Waiver of interest and penalties.

Section 7-320 Erroneous payments; claim for refund.

Section 7-321 Failure to file; fraudulent returns; penalties.

Section 7-322 Tax records confidential.

Section 7-323 Provisions cumulative.

Section 7-324 Amendments to chapter

CHAPTER 4

USE TAX

CHAPTER 5

911 EMERGENCY SERVICE FEE

CHAPTER 6

TELEPHONE EXHANGE FEE

Section 7-601 Inspection fee and service charge.

Section 7-602 Charge in lieu of other license tax.

CHAPTER 7

UTILITY FEE

Section 7-701 Utility fee levied.

Section 7-702 Fee to be in-lieu of franchise.

Section 7-703 Payable quarterly.

Section 7-704 Tax constitutes lien.

Section 7-705 Ouster for failure to pay.

CHAPTER 8

UNCLAIMED AND SURPLUS PROPERTY

Section 7-801 Delivery to City required; records.

Section 7-802 Disposition of personal property, general procedures.

Section 7-803 Seized property related to gambling, report and disposition.

Section 7-804 Seized property related to alcoholic beverages, disposition.

Section 7-805 Property of deceased persons.

Section 7-806 Exchange of unclaimed or confiscated weapons.

Section 7-807 Recovery by owner.

**FINANCE AND TAXATION**

CHAPTER 1

FINANCES GENERALLY

Section 7-101 Appropriation of monies.

Section 7-102 Investments.

Section 7-103 Depositories designated, deposit of funds.

Section 7-104 Funds secured by unit collateral system.

SECTION 7-101 APPROPRIATION OF MONIES.

All monies however derived, belonging to the City shall only be appropriated for such objects, and defraying such expenses as accrue or necessarily arise in the exercise of powers granted by law, the charter and ordinances of the City. No appropriation shall be made without an order to that effect entered upon a proper book to be kept for that purpose by the City.

SECTION 7-102 INVESTMENTS.

The City Treasurer or any other person authorized to invest public monies shall invest the same in those investments authorized by the City Council or authorized by state law in a manner authorized by either or both such Council and statues.

SECTION 7-103 DEPOSITORIES DESIGNATED, DEPOSIT OF FUNDS.

All banks and financial institutions as are designated by the City Council shall be designated as depositories for the funds of the City. The City Treasurer shall deposit daily all public funds received by him in these banks. Funds may be transferred from one depository to another upon direction of the City Treasurer.

SECTION 7-104 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

The deposits of the City shall be secured by the unit collateral system provided by state law. The provisions of the state law on the unit collateral system, Section 516.1 through 516.10 of Title 62 of the Oklahoma Statutes, are hereby adopted insofar as they applicable to the City.

**FINANCE AND TAXATION**

CHAPTER 2

PURCHASES BY CITY

Section 7-201 Definition.

Section 7-202 By whom made.

Section 7-203 Procedure.

Section 7-204 When bidding not required.

Section 7-205 Disposition of surplus or obsolete materials, competitive bidding.

Section 7-206 When competitive bidding is not required.

SECTION 7-201 DEFINITION.

The term “contractual services”, for the purpose of this chapter, means services performed for the City by persons not in the employment of the City, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services includes travel, freight, express, parcel post; postage, telephone, telegraph, utilities, rents, repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the City; and other services performed for the City by persons not in the employment of the City.

SECTION 7-202 BY WHOM MADE.

All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the City government shall be made by the Mayor or any Council member or by other City personnel in accordance with purchase authorizations issued by the Council.

SECTION 7-203 PROCEDURE.

A. The Mayor, subject to any regulations which the Council may prescribe, shall contract for and purchase all supplies, material and equipment for the offices, departments and agencies of the City. Every such contract or purchase exceeding an amount of One Thousand Five Hundred Dollars ($1500.00) or more shall require the prior approval of the Council. The Mayor may also transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment.

B. Before a contract shall be entered into, or any such purchase made involving the expenditure of more than One Thousand Five Hundred Dollars ($1500.00) but Seventy Five Hundred Dollars ($7500.00) or less, or any sale made of property the value to which is more than One Thousand Five Hundred Dollars ($1500.00) but Seventy Five Hundred Dollars ($7500.00) or less, such contract or sale shall:

1. Be approved by the City Council;

C. Before a contract shall be entered into, or any such purchase made involving the expenditure of more than Seventy Five Hundred Dollars ($7500.00), or any sale made of property the value of which is more than Seventy Five Hundred Dollars ($7500.00), such contract or sale shall:

1. Be approved by the City Council;

2. Be submitted for competitive bidding, except as provided in this chapter.

3. Have written notice given by the Mayor for sealed bids for the furnishing of such supplies, materials or equipment where competitive bidding is required hereunder.

SECTION 7-204 WHEN BIDDING NOT REQUIRED.

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services where cost does not exceed Seventy Five Hundred Dollars ($7500.00) in a single transaction;

2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer or a sole source vendor, or which have a uniform price wherever bought;

3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus, or purchased at auction at a price deemed below that obtainable elsewhere;

4. Contractual services (gas, electricity, telephone service, and the like) purchased from a public utility at a price or rate determined by the state corporation commission or other government authority.

5. Supplies, material, equipment or contractual services when purchased at a price not exceeding a price set therefore by the state purchasing agency or any other state agency authorized to regulate prices for things purchased by the state (whether such price is determined by a contract negotiated with a vendor or otherwise);

6. Contractual services of a professional nature, such as engineering, architectural, medical and legal services; or

7. When an emergency is declared to exist.

SECTION 7-205 DISPOSITION OF SURPLUS OR OBSOLETE MATERIALS, BIDDING.

No surplus or obsolete supplies, materials or equipment of a value of more than Seventy Five Hundred Dollars ($7500.00) may be sold until the procedures outlined in this chapter have been followed.

SECTION 7-206 WHEN COMPETITIIVE BIDDING NOT REQUIRED.

The Mayor may sell the following without giving an opportunity for competitive bidding:

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed Seventy Five Hundred Dollars ($7500.00) in a single transaction; or

2. Supplies, materials or equipment when sold at a price at least as great as that paid by the City for the same; or

3. Where the Council has authorized the sale of surplus property at public auction under such terms, conditions and notice as the Council may prescribe or as the Mayor deems appropriate.

**FINANCE AND TAXATION**

CHAPTER 3

SALES TAX

Section 7-301 Citation of chapter.

Section 7-302 Definitions.

Section 7-303 Classification of taxpayers.

Section 7-304 Subsisting state permits.

Section 7-305 Purpose of revenues; disposition of proceeds.

Section 7-306 Tax rate; sales subject to tax.

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Section 7-314 Payment of tax; brackets.

Section 7-315 Tax constitutes prior claim.

Section 7-316 Vendor’s duty to collect tax.

Section 7-317 Returns and remittances; discounts.

Section 7-318 Interest and penalties.

Section 7-319 Waiver of interest and penalties

Section 7-320 Erroneous payments; claim for refund.

Section 7-321 Failure to file; fraudulent returns; penalties.

Section 7-322 Tax records confidential.

Section 7-323 Provisions cumulative.

Section 7-324 Amendments to chapter.

SECTION 7-301 CITATION OF CHAPTER.

This chapter shall be known and may be cited as the City Sales Tax Ordinance

SECTION 7-302 DEFINITIONS.

A. The definition of words, terms and phrases contained in the Oklahoma Sales Tax Code, 68 O.S. Section 1352, and Sections 596 and 793 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

B. The term “tax collector, as used herein, shall mean the department of the City 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 7-303 CLASSIFICATION OF TAXPAYERS.

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code.

SECTION 7-304 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 chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

SECTION 7-305 PURPOSE OF REVENUES; DISPOSITION OF PROCEEDS.

It is hereby declared to the purpose of the revenues generated by the first and second cent sales taxes levied, herein to provide revenues for the support of the functions of the municipal government of the City.

SECTION 7-306 TAX RATE; SALES SUBJECT TO TAX.

There is hereby levied an excise tax of four percent (4%) 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;

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;

3. Transportation for hire of persons by common carriers, including railroad, both steam and electric, motor transportation companies, taxicab companies, Pullman car companies, airlines and all other means of transportation for hire;

4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;

5. Printing or printed matter of all types, kinds, and characters and the service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplication written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;

6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;

7. Service of furnishing storage or parking privileges by auto hotels and parking lots; sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded;

8. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded;

9. Food, 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 character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;

11. Dues or fees to club including free or complimentary dues or fees which shall have the 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. Sales of tickets, fees or other charges made 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 shall have the value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racket ball or hand ball courts;

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 and athletic equipment.;

16. The gross receipts from sales through 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 there from;

17. 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. Provided 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. Any licensing agreement, rental lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performance or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;

19. Flowers, plants, shrubs, trees and other floral items, whether or not same was 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. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;

20. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter 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 to keep records;

e. Lack of adequate records;

f. The persons are minors or transients;

g. The persons are engaged in service businesses; or

h. Any other reasonable reason;

21. 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 such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable.

SECTION 7-307 EXEMPTIONS; SALES SUBJECT TO OTHER TAX.

There is hereby specifically exempted from the tax levied by this chapter 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 or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been 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 by state law has been paid;

3. Sale of crude petroleum or natural or casing-head gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when sued for injection into the earth for the purpose of promoting or facilitation 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; and

4. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statues has been paid.

SECTION 7-308 EXEMPTIONS; GOVERNMENTAL AND NONPROFIT ENTITIES.

There are hereby specifically exempted from the tax levied by this chapter:

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 the 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 chapter, except as hereinafter provided;

2. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;

3. 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;

4. 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;

5. 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;

6. 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 similar business;

7. 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 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;

8. Sales of tangible personal property or services to the Council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax;

9. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam 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 subdivision 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 the sales tax involved or incarcerated for not more than sixty (60) days or both;

10. 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 Section 501 © (3) of the Internal Revenue Code, 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 of sales ticket the nature of the purchase, and violation of this act shall be a misdemeanor as set forth in Paragraph (9) of this section;

11. 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 Section 501 © (3) of the Internal Revenue Code; and

12. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, “public or private school: shall mean any public or private institution of education 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 not include sale of admission tickets or concessions at athletic events.

SECTION 7-309 EXEMPTIONS; GENERAL.

There are hereby specifically exempted from the tax levied by this chapter:

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 taxicab;

3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed seventy-five cents ($0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;

4. 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 this chapter. 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 salesmen who do not have an established place of business and a sales tax permit;

5. 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;

6. 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 he 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;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. 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 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 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 of Oklahoma in the federal food stamp program; and

10. Nothing herein shall be construed as limiting or prohibiting the City from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the City 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.

SECTION 7-310 EXEMPTIONS; AGRICULTURE.

There are hereby specifically exempted from the tax levied by this chapter:

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 a farm and not from some other place of business, as follows:

a. Farm, orchard or garden products;

b. Dairy products sold by a dairyman or farmer who owns all the cows form which the dairy products offered for sale are produced;

c. Livestock sold by the producer at a special livestock sale; and

d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen 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 purchases 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;

c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;

d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;

e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and

f. 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 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. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;

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. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;

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 chapter, and the 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;

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 act, agricultural chemical pesticide 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; and

f. This exemption 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. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract 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, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor’s sales tax permit; and

g. 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. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. 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, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor’s sales tax permit.

SECTION 7-311 EXEMPTIONS; MANUFACTURERS.

There are hereby specifically exempted from the tax levied by this chapter:

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumes in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumes in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. 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 this chapter. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. 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 far, 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. Each and every transfer of title or possession 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. And, this exemption shall not apply to the sale of label or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state; or

6. Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Controlled Industrial Waste Disposal Act and operated at the place of waste generation, or facilities approved by the State Department of Health for the cleanup of a site of contamination. The term controlled industrial waste may include low-level radioactive waste for the purpose of this subsection.

SECTION 7-312 EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS.

There are hereby specifically exempted from the tax levied in this chapter:

1. The transfer of tangible personal property, as follows:

a. From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term “reorganization” means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of it parent or subsidiary corporation;

b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;

d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or

e. From a partnership to the members thereof when made in kind in the dissolution of such partnership; and

2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible property.

SECTION 7-313 TAX DUE AND PAYABLE.

The tax levied under this chapter shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the sales tax law of the state.

SECTION 7-314 PAYMENT OF TAX; BRACKETS

A. The tax herein levied shall be paid to the tax collector at the time in form and manner provided for payment of state sales tax under the sales tax law of the state.

B. The bracket system for the collection of the City sales tax by the tax collector shall be as the same is hereafter adopted by the agreement of the City and the tax collector, in the collection of both the City sales tax and the state sales tax.

SECTION 7-315 TAX CONSTITUTES PRIOR CLAIM

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 7-316 VENDOR’S DUTY TO COLLECT TAX

A. The tax levied hereunder shall be paid by the consumer or user to the vendor; and each and every vendor shall collect from the consumer or user the full amount of the tax levied, 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 the vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. No vendor shall willfully or intentionally fail, neglect or refuse to collect the full amount of the tax levied; or willfully or intentionally fail, neglect or refuse to comply with the provisions of this chapter; or remit or rebate to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied; or make 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.

SECTION 7-317 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 required by the state sales tax code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for collection of state sales taxes.

SECTION 7-318 INTEREST AND PENALTIES; DELINQUENCY; DISCOUNT; FORFEITURE

A. Section 217 of Title 68 of the Oklahoma Statutes is adopted and made a part of this chapter.

B. Interest and penalties at the rates and in amounts specified in the state statute cited in Subsection A herein are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter.

C. 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.

D. If such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

SECTION 7-319 WAIVER OF INTERST AND PENALTIES.

A. The interest or penalty or any portion thereof accruing by reason of a taxpayer’s failure to pay the City tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statues.

B. To accomplish the purposes of this section, the applicable provisions of Section 220 of Title 68 of the Oklahoma Statutes are adopted by reference and made a part of this chapter.

SECTION 7-320 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

A. Refund or erroneous payment of the City sales 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 tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes.

B. To accomplish the purposes of this section, the applicable provisions of Section 227 of Title 68 of the Oklahoma Statutes are adopted by reference and made a part of this chapter.

SECTION 7-321 FAILURE TO FILE; FRAUDULENT RETURNS; PENALTIES.

A. No person shall:

1. Intentionally fail or refuse to make tax reports and remittances as required under this chapter; or

2. Intentionally make false and fraudulent tax reports for the purpose of avoiding or escaping of any tax or portion thereof due under this chapter.

B. Any person required to collect and remit sales tax pursuant to the state sales tax code or the City code, and engaging in any of the callings, trades, avocations, professions, businesses or occupations for which a license is required by the City, and applying for such license, must submit proof as a condition precedent to issuing such license of a valid sales tax permit number issued by the State of Oklahoma.

C. Any license issued by the City to any person engaging in any of the callings, trades, avocations, businesses, professions or occupations for which a license is required by the City code may be suspended or revoked for failure to maintain a lawful sales tax license or collect and remit sales tax if and as required by the state sales tax code or the City code.

D. In addition to all civil penalties provided by this chapter, any violation of this section shall subject the offending taxpayer to the penalty set forth in Section 1-108 of this code. Each day of such violation shall be considered a separate offense and charged separately.

SECTION 7-322 TAX RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the City sales tax is legislatively recognized and declared; and to protect the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes of the state sales tax code, and all subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the City sales tax as if here set forth in full.

SECTION 7-323 PROVISIONS CUMULATIVE.

The provisions of this chapter shall be cumulative and in addition to any and all other taxing provisions of City ordinances.

SECTION 7-324 AMENDMENTS TO C HAPTER.

The Council, by ordinance duly enacted, is authorized to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the City as provided by law.

**FINANCE AND TAXATION**

CHAPTER 4

CITY OF ELMORE CITY USE TAX

Section 7-401 Excise tax on storage

Section 7-402 Exemptions.

Section 7-403 Time when due-returns-payment.

Section 7-404 Tax constitutes debt.

Section 7-405 Collection of tax by retailer or vendor.

Section 7-406 Collection of tax by retailer or vendor not maintaining a place of business

within state or both within and without state-permits.

Section 7-407 Revoking permits.

Section 7-408 Remunerative deductions allowed vendors or retailers of other states.

Section7-409 Interest and penalties-Delinquency.

Section 7-410 Waiver of interest and penalties.

Section 7-411 Erroneous payments-claim for refund.

Section 7-412 Fraudulent returns.

Section 7-413 Records confidential.

Section 7-414 Provisions cumulative.

Section 7-415 Provisions severable.

Section 7-416 Definitions.

Section 7-417 Tax collector defined.

Section 7-418 Classification of Taxpayers.

Section 7-419 Subsisting state permits.

Section 7-420 Purposes of revenues.

Section 7-421 Citation and codification.

Section 7-422 Effective date.

SECTION 7-401 EXCISE TAX ON STORAGE. USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERLY 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 brought into this municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of four percent (4%) 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 purchase 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; provided, that the tax levied herein shall not be levied against tangible, 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 7-402 EXEMPTIONS.

The provisions of this Ordinance 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 with 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 City of Elmore City Use Tax Ordinance, has 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 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 City of Elmore City Use Tax measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Elmore City Use Tax Ordinance, 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.

E. Code of the municipality. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

F. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax code of the municipality;

G. 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;

H. In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads;

I. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

SECTION 7-403 TIME WHEN DUE-RETURNS-PAYMENT.

The tax levied by this Ordinance 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 7-404 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all times constitute prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

SECTION 7-405 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 Ordinance for the purchases and give to the purchaser a receipt therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by requisition, 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 City.

SECTION 7-406 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAIN-TAINING 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 regulation 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 cancelled 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 municipality Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer’s sales tax permit number accordingly.

SECTION 7-407 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 Ordinance per 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, Section 1408, by order revoke the use 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 t his Ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-408 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 7-409 INTEREST AND PNEALTIES-DELINQUENCY.

Section 217 of Title 68 O.S. 1981 is hereby adopted and made a part of this Ordinance, and interest and penalties at the rates and in the amounts as herein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Ordinance. 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 ordinance 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 this claim to any discount allowed under this Ordinance.

SECTION 7-410 WAIVER OF I NTEREST AND PENALTIES.

The interest or penalty or any portion thereof accruing by reason of a retailer’s or vendor’s failure to pay the municipality Tax herein levied may be waived or remitted in the same manner as providing for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O. S. 1981, Section 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 Ordinance.

SECTION 7-412 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this ordinance, 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 accepting payment of any tax or portion thereof rightfully due under this Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by fine of not more than one hundred dollars ($100.00). Each day of noncompliance with this Ordinance shall constitute a separate offense.

SECTION 7-413 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipality Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O. S. 1981, Section 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 municipality Use Tax as is herein set forth in full.

SECTION 7-414 PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality ordinances.

SECTION 7-415 PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Ordinance 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 hereof.

SECTION 7-416 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1981, are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows:

1. City shall mean the City of Elmore City, Oklahoma.

2. Transaction shall mean sale.

SECTION 7-417 TAX COLLECTOR DEFINED.

The term “tax collector” as sued herein means the department of the municipality 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 7-418 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

SECTION 7-419 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 Ordinance herby ratified, confirmed and adopted in lieu of any requirement for an additional municipality permit for the same purpose.

SECTION 7-420 PUPROSES OF REVENUES.

It is hereby declared to be the purpose of this Ordinance to provide revenues for the support of the functions if 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.

SECTION 7-421 CITATION AND CODIFICATION.

This ordinance shall be known and may be cited as “City of Elmore City Use Tax Ordinance” and shall be codified as Chapter 4, Sections 7-401 through 7-422 of the Elmore City Municipal Code.

**FINANCE AND TAXATION**

CHAPTER 5

911 EMERGENCY SERVICE FEE

(RESERVED)

**FINANCE AND TAXATION**

CHAPTER 6

TELEPHONE EXCHANGE FEE

Section 7-601 Inspection fee and service charge.

Section 7-602 Charge in lieu of other license tax.

SECTION 7-601 INSPECTION FEE AND SERVICE CHARGE.

A. There is hereby levied an annual inspection fee and service charge upon each and every person operating a telephone exchange in the City to compensate the City for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of the telephone company in the City.

B. The amount of the inspection fee and service charge shall be an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the City.

C. The inspection fee and charge shall be due payable to the City on or before the first day of April of each year and shall be paid into and appropriated and expended from the general revenue fund of the City.

SECTION 7-602 CHARGE IN LIEU OF OTHER LICENSE TAX.

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied by this chapter shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments except ad valorem taxes. This section is not intended to extinguish or abrogate any existing arrangement whereby the City is permitted to use the underground conduit, duct space or pole contracts of the company for the fire alarm and police call systems of the City, or either of them.

**FINANCE AND TAXATION**

CHAPTER 7

UTILITY FEE

Section 7-701 Utility fee levied.

Section 7-702 Fee to be in-lieu of franchise.

Section 7-703 Payable quarterly.

Section 7-704 Tax constitutes lien.

Section 7-705 Ouster for failure to pay.

SECTION 7-701 UTILITY FEE LEVIED.

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas and electricity in the City, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the City, all as provided by Section 2601 et seq. of Title 68 of the Oklahoma Statutes.

SECTION 7-702 FEE TO BE IN-LIEU OF FRANCHISE.

The tax levied under this chapter shall, when levied, apply to all persons, firms associations or corporations engaged in the business of furnishing gas and electricity within the corporate limits of the City, except it shall not apply to any person, firm association or corporation operating under a valid franchise from the City.

SECTION 7-703 PAYABLE QUARTERLY.

The tax levied under this chapter shall remain in effect until repealed and shall be payable quarterly on the 15th day of January, April, July and October. The tax shall be placed in the general revenue fund of the City. Amounts not paid when due shall bear interest at the rate of ten percent (10%) per annum until paid.

SECTION 7-704 TAX CONSTITUTES LIEN.

The tax so imposed in this chapter shall constitute a first a prior lien on all the assets located within the City of any person, firm or corporation engaged in the business of selling electricity within the City limits of the City.

SECTION 7-705 OUSTER FOR FAILURE TO PAY.

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from the City. In addition, thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney’s fees.

**FINANCE AND TAXATION**

CHAPTER 8

UNCLAIMED AND SURPLUS PROPERTY

Section 7-801 Delivery to City required; records.

Section 7-802 Disposition of personal property, general procedures.

Section 7-803 Seized property related to gambling, report and disposition.

Section 7-804 Seized property related to alcoholic beverages, disposition.

Section 7-805 Property of deceased persons.

Section 7-806 Exchange of unclaimed or confiscated weapons.

Section 7-807 Recovery by owner.

SECTION 7-801 DELIVERY TO CITY REQUIRED; RECORDS.

A. All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the police chief. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

B. For the purpose of this chapter “police chief” means the City chief of police or his designee.

SECTION 7-802 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES.

A. The police chief is authorized to sell personal property, other than animals, money or legal tender of the United States, except as provided in Subsection B of this section, which has come into his possession in any manner if:

1. The owner of the personal property is unknown or has not claimed the property;

2. The property has been in the custody of the police chief for at least thirty (30) days; or

3. The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

Any owner, to recover or claim property, must be able to satisfactorily prove ownership to the police chief.

B. Any property found by a person other than public official which shall be delivered to any police officer for “identification,” if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof.

C. The police chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property or money or legal tender which as a fair market value of more than its face value. The police chief shall attach to his application a list describing such property or money or legal tender including any identifying numbers and marks, the date the property or money or legal tender came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

D. At least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at his address as listed in the application. The notice shall contain a brief description of the property or money or legal tender of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of City notices, and at two (2) other public places in the City.

E. If not owner appears and established ownership to the property or money or legal tender at the hearing, the court shall enter an order authorizing the police chief to sell the personal property or money or legal tender for cash to the highest bidder. After the court issues the order, the police chief will transfer the property, listed on the order, to the clerk, who will sell the property at an auction sale, after at least five (5) days notice of the sale has been published, the police chief shall thereafter make a return of the sale, and the order of the court confirming the sale shall vest title to the property or money or legal tender in the purchaser. The money received from the sale of the personal property or money or legal tender shall be deposited in the City’s general fund.

F. All money or legal tender of the United States, except as provided in Subsection B of this section, which has come into the possession of the police chief pursuant to the circumstances provided for in Subsection A of this section, shall be transferred by the police chief to the City Treasurer for deposit in the general fund. Prior to any such transfer, the police chief shall file an application in the district court requesting the court to enter an order authorizing him to transfer the money for deposit in the general fund. The application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application which may be joined with an application as described in Sub section B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from filing of the application. Notice of the hearing shall be given as provided for in Subsection C of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the general fund. The notice may be combined with a notice to sell personal property as provided for in Subsection B of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the general fund as provided in this subsection.

G. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law, nor to any property for which a specific procedure is otherwise established by law, ordinance or proper order. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

SECTION 7-803 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION.

A. If any personal property used for the purpose of violating any of the gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the county clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the count and take the sheriff’s receipt therefore, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

B. In computing the time, five (5) days, Sundays and holidays shall be excluded and not counted.

C. A duplicate copy of the receipt shall be filed with the county clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this section.

SECTION 7-804 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION.

If City police officers seize:

1. Any apparatus equipment, vehicle or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or

2. Any alcoholic beverages possessed, sold, transported, manufactured kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the City in which the seizure of the property took place. Such seized property shall be sold by the police chief, after giving ten (10) days’ notice by one publication in a legal newspaper of the county at least ten (10) days before such sale, Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this section, the proceeds thereof shall be distributed as follows:

a. First, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and

b. Second, the remainder shall be deposited with the City.

SECTION 7-805 PROPERTY OF DECEASED PERSONS.

The personal property of a deceased of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this chapter.

SECTION 7-806 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS.

A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the police chief, with the approval of the police chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief and the police chief or his designee, are reputable.

B. In trading such unclaimed or confiscated weapons, the police chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the City.

C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

SECTION 7-807 RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefore shall be returned to the purchaser, upon verified claim being submitted and approved by the police chief.

**FINANCE AND TAXATION**

**FINANCE AND TAXATION**

**HEALTH AND NUISANCES**

PART 8

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 8-101 Definitions.

Section 8-102 Certain public nuisances defined.

Section 8-103 Nuisance prohibited.

Section 8-104 Person responsible for continuing nuisance.

Section 8-105 Time does not legalize nuisance.

Section 8-106 Remedies against public nuisances.

Section 8-107 Remedies against private nuisances.

Section 8-108 City has power to define and summarily abate nuisance.

Section 8-109 Summary abatement of nuisances.

Section 8-110 Health nuisances; abatement

Section 8-111 City action not to jeopardize private action.

Section 8-112 Unauthorized dumping, depositing or disposal of trash on property of another.

Section 8-113 Open burning prohibited.

Section 8-114 Abatement by suit in district court.

Section 8-115 Procedure cumulative.

Section 8-116 Toilet facilities required.

Section 8-117 Obstructing health or enforcement officer.

Section 8-118 Abandoned ice boxes, refrigerators.

Section 8-119 Littering prohibited generally.

Section 8-120 Enforcement, citations, appeals.

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 8-201 Definitions.

Section 8-202 Accumulation of trash or weeds unlawful.

Section 8-203 Duty of owner, occupant to maintain private property.

Section 8-204 Reports of accumulation of grass, weeds, or trash on property.

Section 8-205 Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.

CHAPTER 3

DILAPIDATED BUILDINGS

Section 8-301 Definitions.

Section 8-302 Report to be made.

Section 8-303 Condemnation, boarding and securing of dilapidated buildings notice, removal, lien, payment.

Section 8-304 Clearing up of premises from which buildings have been removed.

Section 8-305 Penalty.

CHAPTER 4

ABANDONED, JUNK VEHICLES

Section 8-401 Definitions.

Section 8-402 Prohibited acts; nuisances declared; exceptions.

Section 8-403 Permits for reconstruction/repair of vehicles.

Section 8-404 Procedures for abatement.

Section 8-405 Presumption of abandonment.

Section 8-406 Notice to remove form public property.

Section 8-407 Responsibility for removal from public property.

Section 8-408 Notice to remove from private property.

Section 8-409 Hearing.

Section 8-410 Removal of motor vehicles from property.

Section 8-411 Notice of removal.

Section 8-412 Appraisal.

Section 8-413 Redemption of impounded vehicles or motor vehicles.

Section 8-414 Collection of City’s costs of removal.

Section 8-415 Penalty; continuing violations.

CHAPTER 5

FOOD AND MILD REGULATIONS

ARTICLE A

FOOD SERVICE SANITATION

Section 8-501 Regulations adopted.

ARTICLE B

MILK AND MILK PRODUCTS

Section 8-520 Regulations adopted.

Section 8-521 Penalty.

**HEALTH AND NUISANCES**

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 8-101 Definitions.

Section 8-102 Certain public nuisances defined.

Section 8-103 Nuisance prohibited.

Section 8-104 Person responsible for continuing nuisance.

Section 8 -105 Time does not legalize nuisance.

Section 8-106 Remedies against public nuisances.

Section 8-107 Remedies against private nuisances.

Section 8-108 City has power to define and summarily abate nuisance.

Section 8-109 Summary abatement of nuisances.

Section 8-110 Health nuisances; abatement.

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Section 8-115 Procedure cumulative.

Section 8-116 Toilet facilities required.

Section 8-117 Obstructing health or enforcement officer.

Section 8-118 Abandoned ice boxes, refrigerators.

Section 8-119 Littering prohibited generally.

Section 8-120 Enforcement, citations appeals.

SECTION 8-101 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them herein:

1. “Nuisance” means unlawfully doing an act, or omitting to perform a duty, or is anything or condition which either:

a. annoys, injures or endangers the comfort, repose, health or safety of others;

b. Offends decency;

c. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or

d. In any way renders other persons insecure in life or in the use of property;

2. “Private nuisance” means every nuisance not included in paragraph 3 of this section; and

3. “Public nuisance” means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three (3) or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

SECTION 8-102 CERTAIN PUBLIC NUISANCES DEFINED.

A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the City; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the City;

3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;

4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;

5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;

6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;

7. The public exposure of a person having a contagious disease;

8. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;

9. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;

10. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinances;

11. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;

12. All wells, pools cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;

13. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs, and the premises on which such exist;

14. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

15. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;

16. Any fire or explosion hazard which endangers the public safety;

17. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

18. Permitting bagworms to be upon any trees or other plants within the City;

19. Permitting foul, noxious or offensive odors to escape or emanate across the property line upon which the same originates;

20. Any stable of other place where animals are kept that may become obnoxious or annoying to any resident of this City, by reason of any noise or noises made by the animal therein or by reason of lack of sanitation.

21. The keeping in violation of Section 4-101 et seq. of any dog kennels within this City for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;

22. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance.

23. Any pond, slop trash, refuse, cobs, manure, decayed or decaying vegetable matter, lift, kept or maintained in such condition as to endanger the public health;

24. The keeping of any hog pen within the limits of this City in violation of this code;

25. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this City;

26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this City;

27. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this City; and

28. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this City or its inhabitants from any cause.

B. The enumeration in Subsection A hereof of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 8-103 NUISANCE PROHIBITED.

No person shall create or maintain a nuisance within the City or permit a nuisance to remain on premises under his control within the City.

SECTION 8-104 PERSON RESPONSIBLE FOR CONTINUING NUISANCE.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefore in the same manner as the person who first created it.

SECTION 8-105 TIME DOES NOT LEGALIZE NUISANCE.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-106 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;

2. Prosecution on information or indictment before another appropriate court;

3. Civil action; or

4. Abatement;

a. By the person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or

b. By the City in accordance with law or ordinance,

SECTION 8-107 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

1. Civil action; or

2. Abatement:

a. By the person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or

b. By the City in accordance with law or ordinance.

SECTION 8-108 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE.

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the City is empowered to determine what is and what shall constitute a nuisance within it s corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the City has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

SECTION 8-109 SUMMARY ABATEMENT OF NUISANCES.

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the Mayor or other appropriate officer or agency of the City government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. An officer subordinate to the Mayor may submit to the Mayor a statement as to the existence of a nuisance as defined by the ordinances of the City or law, and a request or recommendation that it be abated.

C. The Mayor or his designee shall determine if a nuisance exists as defined by the ordinances of the City or law. If he finds that a nuisance does in fact exist, he shall direct the owner or other persons responsible for or causing the nuisance by:

1. Certified mail; or

2. By publication if the owner cannot be so served or found, to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do no abate it within the specified time, or if the persons responsible authorize the City to abate the nuisance, the Mayor shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The City shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt tot eh City collectible as other debts may be collected.

D. The determination of the existence of a nuisance and order to abate it, as made by the Mayor, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the City Clerk/Treasurer within the period of time specified in the notice for abatement of the nuisance. The clerk shall cause the matter to be placed on the agenda of the City Council for final determination with appropriate notice of the hearing provided to the person requesting the appeal.

SECTION 8-110 HEALTH NUISANCES; ABATEMENT.

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the City shall have the authority to order the owner or occupant of any private premises in the City to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conductive to the br3eeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may e reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the City or by a police officer or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the City.

B. If the order is not complied with, the City may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance.

SECTION 8-111 CITY ACTIONS NOT TO JEOPARDIZE PRIVATE ACTION.

Nothing herein contained shall be construed to abridge the rights of citizens of the City to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

SECTION 8-112 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROERTY OF ANOTHER.

A. It is unlawful to place, deposit, or leave any trash, debris, refuse of garbage on the property of another or on public property, including any public street, easement, sidewalk or other public property, except where such disposal is expressly allowed by law.

B. It is unlawful for any person to place, deposit, leave or dispose of trash, garbage, refuse or debris in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located.

SECTION 8-113 OPEN BURNING PROHIBITED.

A. Unless otherwise provided herein, it is unlawful to burn any fire outside of any enclosed building in the City for the purpose of burning grass, trash, leaves, weeds, papers, refuse, garbage or any other substance except in an approved incinerator and except as may be allowed by the City fire code and any applicable state or City regulations.

B. Outdoor burning or trash or refuse in residential, commercial or industrial zones areas of the City is prohibited.

C. Any open burning must be controlled so that a traffic hazard is not created. In no instance shall outdoor burning occur within two hundred (200) feet of a street or highway.

SECTION 8-114 ABATEMENT BY SUIT IN DISTRICT COURT.

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the district court.

SECTION 8-115 PROCEDURE CUMULATIVE.

The procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other. The City may elect to follow any such procedure which is applicable in abating any particular nuisance.

SECTION 8-116 TOILET FACILITIES REQUIRED.

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

1. “Human excrement” means the bowel and kidney discharge of human beings;

2.”Sanitary water closet” means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3.”Sanitary pit privy” means a privy which is built, rebuilt or constructed so as to conform with the specification approved by the state health department.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within the this City shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.

C. All humans excrement disposed of within this City shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the City to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the City in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

F. No residence, business or commercial building, nor any other premises in the City, if located within two hundred (200) feet of any public sewer later or main shall be connected to or in any manner served by a septic tank; no such person shall allow the installation, maintenance, operation or use of any septic tank in violation of this section.

SECTION 8-117 OBSTRUCTION HEALTH OR ENFORCEMENT OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer of other code enforcement officer charged with the enforcement of the health or nuisance laws of this City.

SECTION 8-118 ABANDONED ICE BOXES, REFRIGERATORS.

It is unlawful and an offense for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container of any kind of a capacity of one and one-half (1 1/1) cubic feet or more which has an airtight door or lock which may not be released from the inside of such ice box, refrigerator or container, or which as a snap-lock or other device for automatically fastening such door in a closed position, without first removing such fastener, lock, snap-lock or doors of such container.

SECTION 8-119 LITTERING PROHIBITED GENERALLY.

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this code. “Litter” means trash, refuse, rubbish and all like material.

SECTION 8-120 ENFORCEMENT, CITATIONS, APAPEALS.

A. The Mayor is designated as the administrative officer to perform the duties of the City Council with respect to public nuisance abatement. The Mayor may further delegate to the director of community development division or his staff the aforementioned duties of the Mayor, including the duty of administrative officer.

B. The Mayor or his designees are designated to issue citations for violations this part 8, including nuisances, weeds and trash, abandoned vehicles and health laws.

C. Any administrative hearings for violations of the above-referenced sections shall be before the Mayor or an administrative officer designated by the Mayor. A hearing shall be scheduled on completion and filing with the City Clerk/Treasurer an application therefore, pursuant to the appropriate sections of this part, in accordance with the provisions contained therein.

D. Appeals from the decision of the administrative officer shall be to the City Council, in accordance with the applicable code provisions.

**HEALTH AND NUISANCES**

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 8-201 Definitions.

Section 8-202 Accumulation of trash or weeds unlawful.

Section 8-203 Duty of owner, occupant to maintain private property.

Section 8-204 Reports of accumulation of grass, weeds or trash on property.

Section 8-205 Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.

SECTION 8-201 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. “Administrative officer” means the Mayor or other person so designated by the Mayor, Section 8-120 of this code;

2. “Cleaning” means the removal of trash from property;

3. “Owner” means the owner of record as shown by the most current tax rolls of the county treasurer;

4. “Trash” means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and

5. “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 or 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 8-202 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

A. It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the City to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

B. No owner or occupant of land or lots shall

1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or

2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the City or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.

In addition to a penalty for violation of this section or Section 8-203, the City may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any other law or ordinance, all of which shall be cumulative.

SECTION 8-203 DUTY OF OWNER, OCCUPANT TO MAINTAIN PROPERTY.

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days’ notice by the City of the condition and an order to fully abate the alleged deficiency.

SECTION 8-204 REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the City 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 City, shall report the condition to the administrative officer 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;

3. A fire hazard to property; or

4. Any two (2) or more of these conditions.

SECTION 8-205 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT.

The Mayor is authorized to cause property within the City to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

1. The Mayor or his designee may determine whether the accumulation of trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;

2. 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 state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the City and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the City;

3. At the time of mailing of notice to the property owner, the City 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 the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statues, one time not less than ten (10) days prior to any hearing or action;

4. If the City anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner’s property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the City; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement, the City Clerk/Treasurer 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 this section. 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;

5. The owner of the property may give his written consent to the City authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the City;

6. A hearing may be held by the administrative officer 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 or 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, except that if the Mayor conducts the initial hearing, then the right of appeal is to the City Council. The appeal shall be taken by filing written notice of appeal with the City Clerk/Treasurer within ten (10) days after the administrative order is rendered.

7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods.

a. By the City, provided the actual cost of the labor, maintenance and equipment required does not exceed Five Hundred Dollars ($500.00); or

b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder; The agents of the City are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the City. Immediately following the cleaning or mowing of the property, the City Clerk/Treasurer shall file a notice of lien with the county clerk describing the property and the work performed by the City, and stating that the City claims a lien on the property for a the cleaning and mowing costs, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

8. After the property has been cleaned, the administrative officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The City Clerk/Treasurer shall forward by mail to the property owner specified in this section a statement of the actual coast and demanding payment;

9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the City Clerk/Treasurer 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 on the property and collected by the county treasurer as other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer and shall continue until the cost shall be fully paid;

10. At any time prior to the collection as provided herein the City may pursue any civil remedy for collection of the amount owing and the interest thereon. Upon receiving payment, if any, the City Clerk/Treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien or part thereof; and

11. The provisions of this section shall not apply to any property used for agricultural purposes.

**HEALTH AND NUISANCES**

CHAPTER 3

DILAPIDATED BUILDINGS

Section 8-301 Definitions.

Section 8-302 Report to be made.

Section 8-303 Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment.

Section 8-304 Clearing up of premises from which building have been removed.

Section 8-305 Penalty.

SECTION 8-301 DEFINITIONS

For the purposes of this chapter:

1. “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;

2. “Cleaning” or “cleaned” means the removal of trash or weeds from the premises;

3. “Dilapidated building” means the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public; and

4. “Unsecured building” means 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 or safety or welfare of the general public.

SECTION 8-302 REPORT TO BE MADE

Any officer or employee of this City who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

SECTION 8-303 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL, LIEN, PAYMENT.

The administrative officer may cause dilapidated buildings within the City limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

1. At least ten (10) days’ notice shall be given to the owner of the property before the City takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In additions, 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 City 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 by 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 this section;

2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;

3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The City Clerk/Treasurer shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing and stating that the City claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

4. The property owner shall have a right of appeal to the Mayor from a order of the administrative officer, or if the order is rendered by the Mayor, then the right to appeal is to the City Council. The appeal shall be filed in writing with the City Clerk/Treasurer within ten (10) days after the administrative order is rendered;

5. If the work is not performed by the property owner with the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

a. By the City,

b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated building, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The City Clerk/Treasurer shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City 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;

7. If payment is not made within six (6) months from the date of the mailing of the statement, the City Clerk/Treasurer 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 City shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;

8. When payment is made to the City for costs incurred, the City shall file a release of lien or part thereof;

9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and

10. Nothing in this section shall prevent the City from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

SECTION 8-304 CLEARING UP OF PREMISES FROM WHICH BUILDING HAVE BEEN REMOVED.

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or

2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter; and in which any of the following conditions exist,

a. The premises have not been cleaned up;

b. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;

c. The materials removed but the cellar space and excavations have not been filled;

d. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the City plumbing inspector and securely closed; and

e. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

SECTION 8-305 PENALTY.

Any person who shall tear down or begin the tearing down of any house or building within the City limits of the City without having first procured permit therefore as herein provided shall be guilty of an offense against the City and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

**HEALTH AND NUISANCES**

CHAPTER 4

ABANDONED, JUNK VEHICLES

Section 8-401 Definitions.

Section 8-402 Prohibited acts; nuisances declared; exceptions.

Section 8-403 Permits for reconstruction/repair of vehicles.

Section 8-404 Procedures for abatement.

Section 8-405 Presumption of abandonment.

Section 8-406 Notice to remove from public property.

Section 8-407 Responsibility for removal from public property.

Section 8-408 Notice to remove from private property.

Section 8-409 Hearing.

Section 8-410 Removal of motor vehicles from property.

Section 8-411 Notice of removal.

Section 8-412 Appraisal.

Section 8-413 Redemption of impounded vehicles or motor vehicles.

Section 8-414 Collection of City’s costs of removal.

Section 8-415 Penalty; continuing violations.

SECTION 8-401 DEFINITIONS.

The following words, terms and phrases, and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “Administrative officer” means the Mayor or his designee;

2. “Junk vehicle” means any motor vehicle or vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, but does not include motor vehicles or vehicles for which a permit has been obtained pursuant to this chapter for so long as the terms and conditions of the permit are in force and obeyed; but does not include motor vehicles or vehicles parked on private property which display current license tags and safety inspection stickers which are temporarily out of service due to mechanical breakdown or damage if the owner thereof makes diligent efforts to place same back into operable condition, but shall not exceed thirty (30) days;

3. “Motor vehicle” means any vehicle which is self-propelled and designed to travel along the ground or water and the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motor scooters, trucks tractors, go-carts, and gold carts;

4. “Private property” means any real property within the City which is not public property;

5. “Public property” means any real property which is dedicated to the public use which the federal or any state or municipal government, or any political subdivision thereof, owns or leases, or exercises control and dominion over for public purposes; and

6. “Vehicle” means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and to transport persons or property or pull machinery and includes, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

SECTION 8-402 PROHIBITED ACTS; NUISANCES DECLARED; EXCEPTIONS.

A. It is unlawful and an offense for any person to park, store or leave, or to permit the parking, storing, or leaving of, any junk vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any private property within the City for a period of time in excess of ten (10) days.

B. The presence of any junk vehicle or any abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

C. The provisions of Subsections A and B shall not apply to any vehicle or motor vehicle:

1. Enclosed within a building on private property;

2. Held in connection with a lawful business enterprise which is properly operated as such business enterprise in the appropriate zone, pursuant to the zoning provisions of this code;

3. In operable condition which is not a junk vehicle as defined herein; or

4. For which a non-expired reconstruction/repair permit has been obtained pursuant to this code.

SECTION 8-403 PERMITS FOR RECONSTRUCITON/REPAIR OF VEHICLES.

A. Any person desiring to:

1. Reconstruct; or

2. Make repairs to an inoperable vehicle or motor vehicle, for a period in excess of thirty (30) days may, upon making application to the City, payment of an application fee, and compliance with the terms of a permit, keep such vehicle on a cement, asphalt or other sealed driveway or space pursuant to the terms of the permit.

B. The application shall state that the owner, only, of such vehicle or motor vehicle seeks to have a permit issued, permitting such vehicle or motor vehicle to be on private property within the City in an inoperable, unlicensed or untagged condition for a specific period of time. All applications shall state with specificity how the reconstruction or repairs shall be accomplished and contain deadlines for the completion of each stage, which shall become part of the permit.

C. No permit may be issued without opportunity for public hearing unless the person seeking such permit obtains the written consent of eighty percent (80%) of the owners of all private real property within three hundred (300) feet of the place which the vehicle of motor vehicle is proposed to be kept according to the county assessor’s records.

D. Any consent from nearby private real property owners shall state that a permit is being sought for the purpose of reconstructing or repairing a described vehicle or motor vehicle.

E. If the applicant is unable to obtain the consents of eighty percent (80%) of the nearby property owners pursuant to this section, the applicant may file a completed application and post the application fee, and the City will thereafter give notice by certified mail, return receipt requested, of the application to the owners of all private real property within three hundred (300) feet of the place where the applicant proposes to keep the vehicle or motor vehicle, advising such property owners of the application and of their right to file written objections within fifteen (15) days of the mailing. The applicant shall advance to the City the costs of any mailing up to a maximum of Fifty Dollars ($50.00).

F. Within three (3) days of the expiration of the time for objections to the issuance of a permit to be filed, the City’s administrative officer shall appoint a board of three (3) members to consider, in a public hearing held within seven (7) days, any objections which may have been filed, and to make a recommendation to the administrative officer.

G. After any hearing set forth in above, the administrative officer shall forthwith determine whether or not the permit should be issued, and as soon thereafter as is practicable, enter an order approving or disapproving such permit.

H. If the applicant obtains the consents described in Subsection C above, or if no objections are filed pursuant to Subsection E above, the administrative officer shall cause a permit to be issued, unless the deadlines set forth in the application are unreasonable, in which case the applicant shall be provided a hearing pursuant to this section.

I. No permit shall be issued unless the applicant agrees in the application, to allow the City to abate any violation of the terms of any permit within ten (10) days of the mailing by certified mail of a written demand to do so.

J. Initial permits for any vehicle or motor vehicle shall be issued for a maximum period of six (6) months, and may be extended for periods not to exceed six (6) months each upon successful completion of a full application process for each and every renewal period.

K. No permit shall be in force as to more than one person or one residence at any time.

L. Such vehicle or motor vehicle for which a permit has been issued shall prominently display a sticker to be provided by the City, indicating the permit number and its date of expiration. The sticker may be physically inspected without notice by any officer of the City between the hours of 9:00 A.M. and 5:00 P.M., during weekdays, and the right to inspect shall be a condition of the issuance of a permit.

M. Any permit may be revoked by the administrative officer upon reasonable notice and opportunity for a hearing, if the application contains any material falsehood, or if any purported consent filed therewith is fraudulent.

N. A permit may be revoked by the administrative officer upon reasonable notice and opportunity for a hearing, if any of the terms of the permit are not complied with.

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 City 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 City 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 City, 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 City 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 REPONSIBILITY 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 reasonable 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 to Remove 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 City 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 City’s demand for removal. The administrative officer, chief of police or is designee and the City 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 City 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 City 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 tend-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 City Attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the City 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 City 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 APPRAISAL.

Upon removing a junk vehicle under the provisions of this chapter, the City shall, after ten (10) days, cause it to be appraised. If the vehicle or boast appraises at Seventy-five Dollars ($75.00) or less, the administrative officer or his designee shall execute an affidavit so attesting and describing the vehicle or motor vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle or motor vehicle. After complying with the above, the City may summarily dispose of the vehicle or boat and execute a bill of sale. If the vehicle or boat is appraised at over Seventy-five Dollars ($75.00), notice of public sale shall be given not less than ten (10) days before the date of the proposed sale.

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 City Clerk/Treasurer of such sum as may be determined by the administrative officer and fixed as the actual and reasonable expense of removal, plus storage.

SECTION 8-414 COLLECTION OF CITY’S COSTS OF REMOVAL.

A. Upon the failure of the owner or occupant of property on which junk vehicles have been removed by the City to pay the unrecovered expense incurred by the City in such removal, the amount of the unrecovered cost may be added to the municipal utility bills directed to the occupants of the private property from which the junk vehicle was removed, and may be recovered in the same manner of such utility bills.

B. If the private property is not served by the municipal utilities, or if collection efforts are not successful, the costs may be certified by the City Clerk/Treasurer to the county clerk of the county, who shall add the same to the ad valorem taxes assessed against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property; and when collected shall be paid to the City.

SECTION 8-415 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 City. 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.

**HEALTH AND NUISANCES**

CHAPTER 5

FOOD AND MILD REGULATIONS

ARTICLE A

FOOD SERVICE SANITATION

Section 8-501 Regulations adopted.

ARTICLE B

MILK AND MILK PRODUCTS

Section 8-520 Regulations adopted.

Section 8-521 Penalty.

**HEALTH AND NUISANCES**

ARTICLE A

FOOD SERVICE SANITATION

SECTION 8-501 REGULATIONS ADOPTED.

The latest edition of the “Oklahoma State Department of Health Rules and Regulation pertaining to Food Establishments” is hereby adopted and incorporated by reference in this code. At least one copy of the rules and regulations shall be on file in the office of the City Clerk/Treasurer. The rules and regulations shall govern except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail.

ARTICLE B

MILK AND MILD PRODUCTS

SECTION 8-520 REGULATIONS ADOPTED.

The latest edition of the United States Public Health Service Recommendation “Grade A Pasteurized Milk Ordinance with Administrative Procedures” and the provisions of state law governing milk and milk products as set out in Sections 1-1301 to 1-1311 of Title 63 of the Oklahoma Statutes, as amended from time to time, are hereby adopted and incorporated by reference in this code and are enforceable by the City as fully as if they were set out at length herein. At least one copy of the mild ordinance and referenced state law shall be on file in the office of the City Clerk/Treasurer. The mild ordinance and the referenced state law shall govern except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail.

SECTION 8-521 PENALTY.

Any person who shall violate any of the provisions of this shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Such person may also be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

**Tobacco and Vapor Products**

CHAPTER 6

08-601- Definition

08-602- Prohibited Conduct

08-603- Required Signs

08-604- Penalties and Enforcement

SECTION 8-601 Tobacco and Vapor Products

1. **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, 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.

2. **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 City of Elmore City, including but not limited to vehicles and equipment owned by the municipality.

3. **Outdoor Area**means any area that is not an Indoor Area, and includes outdoor recreational areas.

4. **Smoking** means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

5. **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.

6. **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 602. Prohibited Conduct**

1. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
2. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.
3. Nothing in this [Section 8 Chapter 6] 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.
4. 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.
5. 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 8 Chapter 6].
6. *No person shall dispose of Tobacco Product or Vapor Product waste within an area in which the use of Tobacco Products or Vapor Products is prohibited*.
7. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this [Section 8 Chapter 6].

**Section 603. Required Signs**

1. 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 this [Section 8 Chapter 6] 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.
2. 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.
3. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.
4. 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 this [Section 8 Chapter 6].

**Section 604. Penalties and Enforcement**

1. Enforcement of this chapter shall be the responsibility of [*Code Enforcement Officer*]. In addition, any peace officer or code enforcement official may enforce this chapter.
2. Any person who knowingly violates this [Section Chapter 6] shall be punished by a citation and fine of not less than [ *$50.00* ] and not more than [ $150.00 ] in accordance with [*Section* ] of the City of Elmore City Municipal Code.
3. The possession of a lighted Tobacco Product in violation of this [Section 8 Chapter 6] is a nuisance.
4. *The remedies provided by this [Section 8 Chapter 6] are cumulative and in addition to any other remedies available at law or in equity.*
5. *Each instance of Tobacco Product or Vapor Product use in violation of this [Section 8 Chapter 6] shall constitute a separate violation.*
6. *The use of a Vapor Product in violation of this [Section 8 Chapter 6] is a nuisance.*
7. *Causing, permitting, aiding, abetting, or concealing a violation of any provision of this [Section 8 Chapter 6] regarding Tobacco Product or Vapor Product use shall also constitute a violation of this [Section 8 Chapter 6].*
8. *In addition to other remedies provided by this [Section 8 Chapter 6] or by other law, any violation of this [Section Chapter 6] regarding Tobacco Product or Vapor Product use may be remedied by the Code Enforcement Officer, including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.*

**SECTION II. Statutory Construction & Severability**

It is the intent of the City Council of the City of Elmore City of to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

**HEALTH AND NUISANCES**

**LICENSE AND BUSINESS REGULATIONS**

PART 9

LICENSE AND BUSINESS REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

(RESERVED)

CHAPTER 2

ITINERANT VENDORS

Section 9-201 Definitions.

Section 9-202 License required, blanket license.

Section 9-203 Fee.

Section 9-204 Application for license.

Section 9-205 Investigation, approval or disapproval.

Section 9-206 Bond for license.

Section 9-207 Service of process.

Section 9-208 Sale of foods.

Section 9-209 Identification tag or badge, display.

Section 9-210 Exceptions.

Section 9-211 Provisions cumulative, revocation.

Section 9-212 Penalty.

CHAPTER 3

AMBULANCE SERVICE

(RESERVED)

CHAPTER 4

AUTO SALVAGE DEALERS

(RESERVED)

CHAPTER 5

MARIJUANA ESTABLISHMENTS

Section 9-501 Definitions.

Section 9-502 Business license and permit requirements.

Section 9-503 Location restrictions.

Section 9-504 Prohibited facilities.

Section 9-505 Marijuana growing facilities for personal use.

Section 9-506 Permits, inspections, and additional requirements.

CHAPTER 5

MARIJUANA ESTABLISHMENTS

SECTION 9-501 DEFINITIONS

“Retail Marijuana Establishment” is defined as any business or organization engaged in the retail grow, preparation, manufacture, sale, or use of marijuana as licensed by the State of Oklahoma.

SECTION 9-502 BUSINESS LICENSE AND PERMIT REQUIREMENTS

A. All operators of retail marijuana establishments are required to obtain a retail marijuana establishment permit and business license from the City Clerk or designee.

B. The retail marijuana establishment permit fee shall be set forth by resolution by the city council of Elmore City. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments.

C. A retail marijuana establishment permit will not be granted to any applicant where the proposed location is located outside a commercially zoned area of the corporate city limits of Elmore City.

SECTION 9-503 LOCATION RESTRICTIONS

A. A retail marijuana establishment permit will not be granted to any applicant where the proposed location would be located within 300 feet of any of the following uses:

(1) Any library or museum;

(2) Any public playground;

(3) Any childcare center;

(4) Any public park, pool or recreation facility;

(5) Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center;

(6) Within 300 feet of another medical marijuana or retail marijuana establishment; or

(7) One thousand feet of any private or public school, preschool, elementary, secondary, high school, vocational or trade school, college, or university.

B. For the distance requirements outlined in this chapter, the distances described shall be computed by direct measurement in a straight line from the nearest entry of the parcel of land on which the above-described use is located to the nearest building or unit in which the proposed retail marijuana establishment would be located.

SECTION 9-504 PROHIBITED FACILITIES

A. Wholesale marijuana facilities are not allowed within the municipal boundaries of the City of Elmore City.

B. Marijuana storage facilities, other than in a retail outlet, are not allowed within the municipal boundaries of the City of Elmore City.

C. Marijuana processing facilities are not allowed within the municipal boundaries of the City of Elmore City.

SECTION 9-505 MARIJUANA GROWING FACILITIES FOR PERSONAL USE

A. All owners of marijuana growing facilities for personal medical use are required to obtain a permit from the City Clerk or designee.

B. The permit fee for marijuana growing facilities for personal medical use shall be set forth by resolution by the city council of the City of Elmore City. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of marijuana growing facilities for personal medical use.

C. All marijuana growing facilities for personal medical use shall be subject to security provisions as stated herein prior to the granting of a permit. Failure to comply with security provisions as stated herein will result in the revocation of the permit.

D. Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.

E. Flexible covers on marijuana enclosures such as tarps, blankets, or canvas shall not meet the security and nuisance requirements in this section.

F. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.

G. Growing marijuana shall not be visible from the public right-of-way.

H. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold, or other related problems. Lighting input power shall not exceed 1,000 watts per light, and power factor greater than 0.8. The growing atmosphere must be non-enhanced, natural air.

I. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

J. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary use of cooking, eating, sleeping or sanitation/bathing.

K. If the residence is rented consent of the property owners shall be obtained in writing prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in a residence.

L. Marijuana grown for personal use may not be given, sold or traded to a third party.

SECTION 9-506 PERMITS, INSPECTIONS, AND ADDITIONAL REQUIREMENTS

A. All permits outlined in this chapter will be subject to inspection by an authorized municipal inspector prior to issuance.

B. The inspection prior to a permit decision will occur at a time scheduled and approved by both applicant and the municipal inspector.

C. The applicant will be required to be present during the inspection.

D. The smell or noxious odor emitting from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

E. Other regulations: Smoking or using marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.

**LICENSE AND BUSINESS REGULATIONS**

CHAPTER 1

GENERAL PROVISIONS

(RESERVED)

**LICENSE AND BUSINESS REGULATIONS**

CHAPTER 2

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**LICENSE AND BUSINESS REGULATIONS**

CHAPTER 3

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**LICENSE AND BUSINESS REGULATIONS**

CHAPTER 4

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C. The applicant will be required to be present during the inspection.

D. The smell or noxious odor emitting from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

E. Other regulations: Smoking or using marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.

**LICENSE AND BUSINESS REGULATIONS**

**OFFENSES AND CRIMES**

PART 10

OFFENSES AND CRIMES

CHAPTER 1

GENERAL PROVISIONS

Section 10-101 Attempts to commit an offense.

Section 10-102 Aiding in an offense.

Section 10-103 “Offense” defined.

Section 10-104 “Violation” defined.

Section 10-105 Penalty not to excuse offense.

Section 10-106 Capacity to commit offense.

Section 10-107 Intoxication, no defense.

Section 10-108 Witness, self incrimination.

Section 10-109 Nuisances.

Section 10-110 Conspiracy.

Section 10-111 Limitations of actions.

Section 10-112 Lawful use of force.

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 10-201 Assault and battery.

Section 10-202 Assault defined.

Section 10-203 Battery defined.

Section 10-204 Reckless defines.

CHAPTER 3

OFFENSES AGAINST PROPERTY

Section 10-301 Petit larceny; embezzlement.

Section 10-302 Larceny by false pretense.

Section 10-303 Altering keys.

Section 10-304 Possession of stolen property.

Section 10-305 Defrauding public accommodations; proof; exception.

Section 10-306 Concealing un-purchased merchandise, merchant’s authority to detain.

Section 10-307 Failure to pay fare for public conveyance.

Section 10-308 False or bogus checks.

Section 10-309 Harmful deception.

Section 10-310 Defacing building, damaging property.

Section 10-311 Removing or breaking private property.

Section 10-312 Damaging private property.

Section 10-313 Public works under construction.

Section 10-314 Damaging or tampering with motor vehicle.

Section 10-315 Tampering with or damaging of utilities.

Section 10-316 Destroying trees and shrubbery.

Section 10-317 Trespassing prohibited notice, trespass prohibited.

Section 10-318 Congregating, parking on premises after hours.

Section 10-319 Unlawful intrusion on land.

Section 10-320 Throwing or shooting at persons, property.

Section 10-321 Throwing out lighted substances or debris prohibited.

Section 10-322 Littering, deposits unlawful.

Section 10-323 Posting advertising matter on building of another.

Section 10-324 Posting advertising matter on utility poles or on or over streets and sidewalks.

Section 10-325 Interference with radio, television or telephone reception of others.

Section 10-326 False weights.

Section 10-327 Electric fences prohibited.

Section 10-328 Fireworks prohibited regulation of sales, exceptions.

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-101 Disturbing the peace.

Section 10-402 Disturbing funerals.

Section 10-403 Disorderly conduct.

Section 10-404 Unnecessary noise prohibited.

Section 10-405 Parades and public assemblies.

CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 10-501 Public intoxication.

Section 10-502 Marijuana prohibited.

Section 10-503 Sniffing glue, paint and other substances.

Section 10-504 Curfew for minors.

Section 10-505 False representation as blind, crippled or physically defective to obtain money, aid.

Section 10-506 Misrepresenting age by false documents.

Section 10-507 Obscene, threatening or harassing telephone calls.

Section 10-508 Disorderly house.

Section 10-509 Nudity, improper dress, indecent exposure.

Section 10-510 Gambling and gambling devices.

Section 10-511 Prostitution prohibited.

Section 10-512 Offenses near schools.

Section 10-513 Sleeping in places, property.

Section 10-514 Contributing to delinquency of a minor.

Section 10-515 Tobacco to minors prohibited.

Section 10-516 Carrying weapons, exceptions.

Section 10-517 Carrying concealed weapons.

Section 10-518 Discharging firearm, air rifles, BB guns, pellet guns.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601 Escaping custody.

Section 10-602 Conveying instruments to assist escape.

Section 10-603 Assisting prisoner to escape.

Section 10-604 Delivery of articles to person in confinement.

Section 10-605 Assaulting City officer.

Section 10-606 Resisting a police officer.

Section 10-607 Citizens’ duty to assist.

Section 10-608 Obedience to orders of police and firefighter.

Section 10-609 Eluding police officer by motor vehicle.

Section 10-610 Use of siren or whistle.

Section 10-611 Impersonating a police officer or any City officer.

Section 10-612 False statements, reports or complaints.

Section 10-613 False alarms.

Section 10-614 Removal of barricades.

Section 10-615 Resisting public officials.

Section 10-616 Duties of the public at fires, emergencies.

Section 10-617 Tampering with sign, equipment.

Section 10-618 Interference with police dog performing functions or duties.

Section 10-619 Destroying, tampering with evidence.

**OFFENSES AND CRIMES**

CHAPTER 1

GENERAL PROVISIONS

Section 10-101 Attempts to commit an offense.

Section 10-102 Aiding in an offense.

Section 10-103 “Offense” defined.

Section 10-104 “Violation” defined.

Section 10-105 Penalty not to excuse offense.

Section 10-106 Capacity to commit offense.

Section 10-107 Intoxication, no defense.

Section 10-108 Witness, self incrimination.

Section 10-109 Nuisances.

Section 10-110 Conspiracy.

Section 10-111 Limitations of actions.

Section 10-112 Lawful use of force.

SECTION 10-101 ATTEMPTS OT COMMIT AN OFFENSE.

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

SECTION 10-102 AIDING IN AN OFFENSE.

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

SECTION 10-103 “OFFENSE” DEFINED.

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

SECTION 10-104 “VIOLATION” DEFINED.

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

SECTION 10-105 PENALTY NOT TO EXCUSE OFFENSE.

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

SECTION 10-106 CAPACITY TO COMMIT OFFENSE.

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

1. Children under the age of seven (7) years;

2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;

3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing it s wrongfulness;

4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;

5. Persons who committed the act charged without being conscious thereof, involuntarily; and

6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

SECTION 10-107 INTOXICATION, NO DEFENSE.

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

SECTION 10-108 WITNESS, SELF INCRIMINATION.

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

SECTION 10-109 NUSANCES.

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

SECTION 10-110 CONSPIRACY.

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

SECTION 10-111 LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the statutes of the state.

SECTION 10-112 LAWFUL USE OF FORCE.

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

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;

3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;

4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

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

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

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

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

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

**OFFENSES AND CRIMES**

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 10-201 Assault and battery.

Section 10-202 Assault defined.

Section 10-203 Battery defined.

Section 10-204 Reckless conduct.

SECTION 10-201 ASSAULT AND BATTERY.

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

SECTION 10-202 ASSAULT DEFINED.

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

SECTION 10-203 BATTERY DEFINED.

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

SECTION 10-204 RECKLESS CONDUCT.

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

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

**OFFENSES AND CRIMES**

CHAPTER 3

OFFENSES AGAINST PROPERTY

Section 10-301 Petit larceny; embezzlement.

Section 10-302 Larceny by false pretense.

Section 10-303 Altering keys.

Section 10-304 Possession of stolen property.

Section 10-305 Defrauding public accommodations; proof; exception.

Section 10-306 Concealing unpurchased merchandise, merchant’s authority to detain.

Section 10-307 Failure to pay fare for public conveyance.

Section 10-308 False or bogus checks.

Section 10-309 Harmful deception.

Section 10-310 Defacing building, damaging property.

Section 10-311 Removing or breaking private property.

Section 10-312 Damaging or tampering with motor vehicle.

Section 10-313 Public works under construction.

Section 10-314 Damaging or tampering with motor vehicle.

Section 10-315 Tampering with or damaging of utilities.

Section 10-316 Destroying trees and shrubbery.

Section 10-317 Trespassing prohibited notice, trespass prohibited.

Section 10-318 Congregating, parking on premises after hours.

Section 10-319 Unlawful intrusion on land.

Section 10-320 Throwing or shooting at persons or property.

Section 10-321 Throwing out lighted substances or debris prohibited.

Section 10-322 Littering, deposits unlawful.

Section 10-323 Posting advertising matter on building of another.

Section 10-324 Posting advertising matter on utility poles or on or over streets and sidewalks.

Section 10-325 Interference with radio, television or telephone reception of others.

SECTION 10-301 PETIT LARCENY; EMBEZZLEMENT.

No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of Fifty Dollars ($50.00) or embezzle any money, personal property or effects of another under the value of Fifty Dollars ($50.00). This section does not apply to taking property from the “person” of another.

SECTION 10-302 LARCENY BY FALSE PRETENSE.

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed Fifty Dollars ($50.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

SECTION 10-303 ALTERING KEYS.

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

SECTION 10-304 POSSESSION OF STOLEN PROPERTY.

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

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

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

B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.

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

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

SECTION 10-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT’S AUTHORITY TO DETAIN.

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

SECTION 10-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE

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

SECTION 10-308 FALSE OR BOGUS CHECKS

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person any money, property or valuable thing of the value of Fifty Dollars ($50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term “false or bogus check: shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository, Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-309 HARMFUL DECEPTION

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

SECTION 10-310 DEFACING BUILDING, DAMAGING PROPERTY

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

B. No person shall:

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

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

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

SECTION 10-311 REMOVING OR BREAKING PRIVATE PROPERTY.

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

SECTION 10-312 DAMAGING PRIVATE PROPERTY.

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

SECTION 10-313 PUBLIC WORKS UNDER CONSTRUCTION.

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

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

SECTION 10-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

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

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

SECTION 10-315 TAMPERING WITH OR DAMAGING OF UTILITIES.

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

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

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

D. No person shall in any manner whatsoever:

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

2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefore, with the unlawful intent to defraud the company or City out of the value of the service; or

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

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

SECTION 10-316 DESTROYING TREES AND SHRUBBERY.

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

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

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

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

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

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

1. The doing of an injury or misfeasance to the person of another;

2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;

3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner’s or occupant’s consent, express or implied;

4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;

5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;

6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;

7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a City official;

8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a City official;

9. An entry upon any portion of a public park, where the entry involves the sue of any vehicle, equipment or device where such use is specifically prohibited;

10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the City Council or other public official which is lawfully authorized to give consent; or

11. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this paragraph.

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

1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;

2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and

3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the City code.

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

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

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

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

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

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

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

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

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

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

SECTION 10-319 UNLAWFUL INTRUSION ON LAND.

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

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

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

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

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

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

SECTION 10-322 LITTERING, DEPOSITS UNLAWFUL.

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

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

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

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

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

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

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

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

SECTION 10-326 FALSE WEIGHTS.

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

SECTION 10-327 ELECTRIC FENCES PROHIBITED.

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

SECTION 10-328 FIREWORKS PROHIBITED, REGULATION OF SALES, EXCEPTIONS.

A. For the purpose of this section, “fireworks” shall have the same meaning as in state law, Section 1621 et seq of the Oklahoma Statutes.

B. The discharge, firing, sale, offer for sale, possession or use of fireworks is prohibited except when authorized by the City Council for a public display or displays in accordance with the City fire code.

**OFFENSES AND CRIMES**

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 10-401 Disturbing the peace.

Section 10-402 Disturbing funerals.

Section 10-403 Disorderly conduct.

Section 10-404 Unnecessary noise prohibited.

Section 10-405 Parades and public assemblies.

SECTION 10-401 DISTURBING THE PEACE.

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

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

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct:

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter.

4. Lewdly exposing one’s person or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;

5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;

6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the space or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;

7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

8. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;

9. Obstructing, molesting or interfering with any person lawfully in a public place;

10. Making unnecessarily loud, offensive noises;

11. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or

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

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

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

SECTION 10-402 DISTURBING FUNERALS.

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

SECTION 10-403 DISORDERLY CONDUCT.

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

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

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

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

3. Jostles or crowds or pushes any person in any public place;

4. Uses “fighting words” directed toward any person and thus creates a turmoil;

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

6. By acts of violence interferes with another’s pursuit of a lawful occupation.

SECTION 10-404 UNNECESSARY NOISE PROHIBITED.

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

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

SECTION 10-405 PARADES AND PUBLIC ASSEMBLIES.

A. As used in this section, “parade” means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind or any similar display, in or upon any street, park or other public place in the City.

B. No person shall use any street, alley, public way, park or other property owned or controlled by the City, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the Mayor under such conditions as deemed appropriate.

C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.

D. Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the City. The time requirements may be waived by the Mayor at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the City. The application shall provide such other information as requested.

E. The Mayor shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

2. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;

3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;

4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

F. The Mayor, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the City harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.

G. Without regard to the above provision of this section, the Mayor, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

H. The Mayor, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the Mayor. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

**OFFENSES AND CRIMES**

CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 10-501 Public intoxication.

Section 10-502 Marijuana prohibited.

Section 10-503 Sniffing glue, pain and other substances.

Section 10-504 Curfew for minors.

Section 10-505 False representation as blind, crippled or physically defective to obtain money, aid

Section 10-506 Misrepresenting age by false documents.

Section 10-507 Obscene, threatening or harassing telephone calls.

Section 10-508 Disorderly house.

Section 10-509 Nudity, improper dress, indecent exposure.

Section 10-510 Gambling and gambling devices.

Section 10-511 Prostitution prohibited.

Section 10-512 Offenses near schools.

Section 10-513 Sleeping in places, property.

Section 10-514 Contributing to delinquency of a minor.

Section 10-515 Tobacco to minors prohibited.

Section 10-516 Carrying weapons, exceptions.

Section 10-517 Carrying concealed weapons.

Section 10-518 Discharging firearms, air rifles, BB guns, pellet guns.

SECTION 10-501 PUBLIC INTOXICATION.

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

SECTION 10-502 MARIJUANA PROHIBITED.

A. It is unlawful for any person:

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

2. To use, have or possess marijuana, any narcotic, or drug paraphernalia upon or in any street, alley, place of business or other public place with the City;

3. To use marijuana or any narcotic in any place within the City except as legally prescribed by a physician licensed to practice in the state; or

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

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

C. No person shall use or possess 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 the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

D. No person shall deliver, possess or manufacture drug paraphernalia knowing 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 the Uniform Controlled Dangerous Substances Act.

SECTION 10-503 SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

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

SECTION 10-504 CURFEW FOR MINORS.

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

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

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

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

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

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

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the City from Sunday through Thursday between the hours of 10:00 p.m. and 5:00 a.m., and from Friday through Saturday between the hours of 12:00 midnight and 5:00 A.M. in the morning unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or

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

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the City between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the City police department.

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

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

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

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor’s appearance in court, or may place the minor in the custody of his or her parents or some responsible person.

SECTION 10-505 FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

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

SECTION 10-506 MISREPRESENTING AGE BY FALSE DOCUMENTS.

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

SECTION 10-507 OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS.

A. No person shall by means of a telephone, willfully:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;

2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;

3. Permit any telephone under his control to be used for any purpose prohibited by this section; or

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

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

SECTION 10-508 DISORDERLY HOUSE.

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

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

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

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

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

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

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

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

SECTION 10-509 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the City in a state of nudity;

2. Appear in any public place in the City in any offensive, indecent or lewd dress; or

3. Make an indecent public exposure of his or her person.

SECTION 10-510 GAMBLING AND GAMBLING DEVICES.

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

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

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

D. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest

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

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

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

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

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

SECTION 10-511 PROSTITUTION PROHIBITED.

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

B. It is unlawful:

1. To engage in prostitution, lewdness or assignation;

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

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

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

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

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

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

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

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

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

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

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

SECTION 10-512 OFFENSES NEAR SCHOOL.

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

1. Any conduct that would disturb the orderly conduct of the school;

2. Annoying or molesting any student or employee of the school;

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

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

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

SECTION 10-513 SLEEPING IN PLACES, PROPERTY.

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

SECTION 10-514 CONTRIBUTING TO DELINQUENCY OF A MINOR.

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

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

C. Permitting or Allowing Gatherings Where Minors are Consuming Alcohol Containing Beverages.

For purposes of this section, the following definitions shall apply:

1. “Alcohol” shall be defined in accordance with Section 3-101(b)(2) of the Elmore City Code of Ordinances.

2. “Alcoholic Beverage” shall be defined in accordance with Section 3-101(b)(3) of the Elmore City Code of Ordinances.

3. “Alcohol containing beverage” shall be defined as any alcoholic beverage, as defined above, or any non-intoxicating beverage, as defined below.

4. “Gathering” shall be defined as a party, gathering or event where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

5. “Legal guardian” shall be defined as any person who, by court order is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by the court.

6. “Parent” shall be defined as a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

7. “Premises” shall be defined as any residence or other private property, place, or premises, including any commercial or business premises.

8. “Response costs” are the costs associate with responses by law enforcement, fire and other emergency response providers to a gathering, including but not limited to:

a. 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 response(s);

b. The cost of any medical treatment for any law enforcement, code enforcement, fire or other emergency response personnel injured while responding to, remaining at or leaving the scene of a gathering;

c. The cost of repairing any City 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

d. Any other allowable costs related to the enforcement of this section.

9. “Underaged person” shall mean any person under twenty-one (21) years of age.

D. Except as permitted by state law, it is unlawful for any underaged person to consume at any place not open to the public any alcohol containing beverage, unless in connection with the consumption of the alcohol containing beverage while being supervised by his or her parent or legal guardian.

E. Hosting, permitting or allowing a party, gathering or event where underaged persons are consuming alcohol containing beverages prohibited.

1. It is the duty of any person having control of any premises, who knowingly hosts, permits or otherwise allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcohol containing beverages by any underaged person at the gathering. Reasonable steps are controlling access to the alcohol containing beverages at the gathering, controlling the quantity of alcohol containing beverages on the premises, verifying the ages of the person attending the gathering by inspecting drivers’ licenses or other government issued identification cards to ensure that underaged persons do not consume alcohol containing beverages while at the gathering and supervising the activities of underaged persons at the gathering.

2. It is unlawful for any person having control of the premises to knowingly host, permit or allow a gathering to take place at said premises where at least one underaged person consumes an alcohol containing beverage, whenever the person having control of the premises either knows an underaged person has consumed an alcohol containing beverage or reasonable should have known that an underaged person consumed an alcohol containing beverage had the person taken all reasonable steps to prevent the consumption of an alcohol containing beverage by an underaged person as set forth in subsection ( c)(1) of this section.

3. This section shall not apply to conduct involving the use of alcohol containing beverages that occur exclusively between an underaged person and his or her parent or legal guardian.

4. 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 or legal guardians. However, if an underaged person leaves such a family gathering in an intoxicated state and is found in public, then such providers of alcohol will be held responsible in the same manner as indicated in subsection ( c)(2) above.

5. Nothing in the section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if an underaged person leaves such a religious gathering in an intoxicated state and is found in public, then such providers of alcohol will be held responsible in the same manner as indicated in subsection ( c)(2) above.

6. This section shall not apply to any premises licensed by the State of Oklahoma to dispense for furnish alcohol containing beverages, such premises governed by other effective State laws and municipal ordinances.

7. Any person who violates the provisions of this section shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or imprisonment not to exceed (60) days, or both, plus all court costs, jail fees and response costs, as defined in subsection (a)(8) above.

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

G. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

H. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10-515 TOBACCO TO MINORS PROHIBITED.

A. It is unlawful and an offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form.

B. Prevent of Youth Access to Tobacco: Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the contract clearly indicates a different meaning:

1. “Proof of age” means a driver’s license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

2. “Sample” means a tobacco product distributed to members of the public at no cost for the purpose of promoting the producer;

3. “Sampling” means the distribution of samples to members of the public in a public place, and

4. “Tobacco product” means any product that contains tobacco and is intended for human consumption.

C. Furnishing of tobacco products to minors prohibited; proof of age; fines, employee and employer liability.

1. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under 18 years of age, or to purchase in any manner a tobacco product on behalf of any such person.

2. It shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performances of the employee’s duties.

3. 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 18 years of age.

4. If an individual engaged in the sale or distribution of tobacco products has demanded proof of age from a prospective purchaser or recipient who is not under 18 years of age, the failure to subsequently require proof of age shall not constitute a violation of Subsection (b) of this section.

5. 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 upon conviction thereof, shall be subject to the fine.

6. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be defense to any action brought pursuant to this section.

7. 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.

8. Any person who shall violate this section shall be guilty of an offense and upon conviction thereof may be assessed a fine of not more than $100.00, plus costs for the first offense within a one-year period, of not more than $200.00, plus costs for the second or subsequent offense within a one year period and $800.00 plus costs for third or subsequent offense.

9. Upon failure of any person to pay any fine authorized by this section within 90 days of the assessment of such fine, the Court Clerk shall notify the Oklahoma Department of Public Safety, as the Department is authorized to suspend or not issue a driver’s license to the person until proof of payment has been provided.

D. Purchase, receipt or possession of tobacco products by minors prohibited; falsifying proof of age; penalties; notification of parent or guardian.

1. Except as provided under Section II (b), it is unlawful for a person who is under 18 years of age to purchase, receive, or have in their possession a tobacco product or to represent or offer a purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product.

2. Upon conviction of an individual for an offense under Subsection (a) of this section, the Court may:

a. For a first offense, impose a fine of up to $100.00 plus costs; or

b. May suspend execution of sentence and require the defendant to attend a tobacco education program. If access to a tobacco education program is not readily available, the Court may require the defendant to perform eight to 12 hours of tobacco-related community service instead of attending a tobacco education program. The tobacco education program and the tobacco-related community service are remedial and are not punishment.

i. No later than the 90th day after the date of conviction, if the defendant presents satisfactory evidence to the Court of the completion of tobacco education program or the tobacco-related community service, the Court may dismiss the complaint and discharge the defendant if the defendant has not been convicted of a previous offense under Subsection (a) of this section within one year prior to the offense for which the defendant is currently charge. If the Court dismissed the complaint under this subsection, the defendant is released from all penalties and disabilities resulting from the offense except that the defendant is considered to have been convicted of the offense if the defendant is subsequently convicted of the same charge if such a repeat offense occurs within one year of the dismissed offense.

ii. Any person sentenced of a first offense under this subsection may apply to the Court to have the conviction expunged. If the Court finds that the individual satisfactorily completed the tobacco education program or tobacco-related community service ordered by the Court and that there has been no subsequent offense of a period of at least one year after the date of the offense for which the person was convicted, the Court may order the conviction and any verdict, sentence, or other Court documents relating to the offense to be expunged from the individual’s record and the conviction may not be shown or made known for any purpose.

3. For a second or subsequent offense within a one-year period following the first offense, impose a fine of up to $200.00 plus costs.

4. Upon a failure of the defendant to pay any fine authorized by this section within 90 days of the day of the assessment of such fine, the Court Clerk shall notify the Oklahoma Department of Public Safety, as such department is authorized to suspend or not issue a driver’s license to the person until the required evidence or proof of payment has been provided.

E. Distribution of tobacco product samples restricted; fines.

1. No person shall distribute tobacco products samples in or on any public street, sidewalk or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

2. Any person who shall violate Subsection (a) of this section shall be guilty of an offense and upon conviction thereof may be assessed a fine of not more than $100.00, plus costs for the first offense within a one year period, not more than $200.00, plus costs for the second or subsequent offense within one year period, and not more than $300.00, plus costs for a third or subsequent offense.

3. Upon failure of any person to pay any fine authorized by this section within 90 days of the assessment of such fine, the Court Clerk shall notify the Oklahoma Department of Public Safety, as the Department is authorized to suspend or not issue a driver license to the person until proof of payment has been provided.

F. Sale of tobacco products except in original sealed packaging prohibited; fine.

1. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

2. Any person who shall violate Subsection (a) of this section shall be guilty of an offense and upon conviction thereof may by assessed a fine of not more than $200.00 for each offense.

G. Reporting: The City Clerk/Treasurer shall furnish any information or reports required or requested by the Oklahoma Alcoholic Beverages Laws Enforcement (ABLE) Commission in the form, manner and time as may be determined by the ABLE Commission.

SECTION 10-516 CARRYING WEAPONS, EXCEPTIONS.

It is unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, black jack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as otherwise provide in Oklahoma Statutes Title 21, Section 1272.

SECTION 10-517 CARRYING CONCEALED WEAPONS.

It is unlawful for any person, including a person in possession of a valid handgun license, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the state corporation commission, to carry any concealed or unconcealed weapon into any places restricted and described in Oklahoma Statutes Title 21, Section 1277.

SECTION 10-518 DISCHARGING FIREARMS, AIR RIFLES, BB GUNS, PELLET GUNS.

It is unlawful for any person to discharge a firearm, air rifle, BB bun or pellet gun, except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when doing so during competition in or practicing sheet, trap or other recognized and controlled sporting events, and when doing so in such sporting event does not create unreasonable risk of harm to another and which does not demonstrate a conscious disregard for the safety of another person, or when authorized by law of ordinance.

**OFFENSES AND CRIMES**

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601 Escaping custody.

Section 10-602 Conveying instruments to assist escape.

Section 10-603 Assisting prisoner to escape.

Section 10-604 Delivery of articles to person in confinement.

Section 10-605 Assaulting City officer.

Section 10-606 Resisting a police officer.

Section 10-607 Citizens’ duty to assist.

Section 10-608 Obedience to orders of police and firefighter.

Section 10-609 Eluding police officer by motor vehicle.

Section 10-610 Use of siren or whistle.

Section 10-611 Impersonating a police officer or any City officer.

Section 10-612 False statements, reports or complaints.

Section 10-613 False alarms.

Section 10-614 Removal of barricades.

Section 10-615 Resisting public officials.

Section 10-616 Duties of the public at fires, emergencies.

Section 10-617 Tampering with signs, equipment.

Section 10-618 Interference with police dog performing functions or duties.

Section 10-619 Destroying, tampering with evidence.

SECTION 10-601 ESCAPING CUSTODY.

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

SECTION 10-602 CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

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

SECTION 10-603 ASSISTING PRISONER TO ESCAPE.

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

SECTION 10-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

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

SECTION 10-605 ASSAULTING CITY OFFICER.

No person shall knowingly commit any assault, battery or assault and battery any City official or police officer or firefighter while in the performance of their duties.

SECTION 10-606 RESISTING A POLICE OFFICER.

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

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

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

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

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or

3. Refusal by the arrested party to give his mane and make his identity known to the arresting officer.

SECTION 10-607 CITIZENS’ DUTY TO ASSIST.

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

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

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

SECTION 10-609 ELUDING POLICE OFFICER BY MOTOR VEHICLE.

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

SECTION 10-610 USE OF SIREN OR WHISTLE.

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

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

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

SECTION 10-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS.

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

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

SECTION 10-613 FALSE ALARMS.

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

SECTION 10-614 REMOVAL OF BARRICADES.

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

SECTION 10-615 RESISTING PUBLIC OFFICIALS.

A. It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the City in the discharge of his official duties;

2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or

3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

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

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

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

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

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

SECTION 10-617 TAMPERING WITH SIGNS, EQUIPMENT.

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

SECTION 10-618 INTERFERING WITH POLICE DOG IN PERFORMING FUNCTIONS OR DUTIES.

It is unlawful and an offense for any person to interfere with, tease, meddle with, throw objects at or toward, torture, torment, injure, beat, strike, kick, mutilate, disable or kill any dog used by the police department of the City, or any member thereof, in the performance of the functions or duties of the department.

SECTION 10-619 DESTROYING, TAMPERING WITH EVIDENCE.

It is unlawful to destroy, alter, conceal or disguise physical evidence, plant false evidence or furnish false information to an officer which impedes that or another officer in the performance of his duties, or which is intended to prevent the apprehension or to obstruct the prosecution or defense of any person.

**OFFENSES AND CRIMES**

**OFFENSES AND CRIMES**

**PARKS, RECREATION AND CEMETERY**

PART 11

PARKS, RECREATION AND CEMETERY

CHAPTER 1

PARKS AND RECREATION

Section 11-101 Rules and regulations adopted.

Section 11-102 Licenses for fishing, boating, hunting.

Section 11-103 Penalty.

CHAPTER 2

(RESERVED)

**PARKS, RECREATION AND CEMETERY**

CHAPTER 1

PARKS AND RECREATION

Section 11-101 Rules and regulations adopted.

Section 11-102 Licenses for fishing, boating hunting.

Section 11-103 Penalty.

SECTION 11-101 RULES AND REGUALTIONS ADOPTED.

The City Council shall from time to time adopt rules and regulations governing the City parks, lakes and recreation facilities.

A. Swimming:

1. Designated Swimming Areas

a. Two areas will be made available for swimming: One area on the west side of the lake and one area on the east side. Both areas will be designated by signs. Swimming will only be allowed in designated areas.

b. Swimming in any other area besides those designated by signs will constitute a violation of the rules and regulations and be subject to penalty under Section 11-103 and Section 1-108.

2. Children Under 12 Prohibited Without Parent

a. Children under 12 will not be allowed to swim in designated areas without a parent present.

b. Children under 12 swimming without parent present will constitute a violation of the rules and regulations and be subject to penalty under Section 11-103 and Section 1-108.

3. Permit Required.

a. Free permits will be issued to children 12-16 years of age to swim in designated areas without parent present. Parent must request and sign permit at City Hall or from any law enforcement officer.

B. Camping

1. Designate Camping Areas

a. Camping will be in designated areas only.

2. All campers must have a permit. Permits will be issued at the City Hall or from any law enforcement officer. All permits shall be $5.00 per night.

C. Taking Game Fish

1. No person may take, kill or catch game fish from the Elmore City Lake except by means of hook and line attached to a pole or rod, or trowline. No person may take, kill, or catch game fish from the Elmore City Lake by trotline, jug line, spear gun, nor by hand commonly referred to as noodling.

2. All state laws and regulations concerning game fish bag limits and slot limits are hereby adopted with the following exception: All species of bass caught in the Elmore City Lake, must be returned to the lake if the length of the bass is 14” or less.

3. Any person convicted of violating any provision of this subsection shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

D. Boating

1. The Elmore City Lake (entire surface area) is hereby declared a “no-wake” zone.

2. Any person convicted of violating any provision of this subsection shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

E. Hunting

1. Hunting is prohibited at the Elmore City Lake and any adjoining property owned by the City of Elmore City.

2. Any person convicted of violating any provision of this subsection shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

F. Firearms

1. Firearms and target/practice shooting is prohibited at the Elmore City Lake and any adjoining property owned by the City of Elmore City provided however that Police Officers for the City of Elmore City and their designated representatives while in the presence of an Elmore city Police Officer are allowed to use the firearms on said property for target/practice shooting.

2. This does allow for an exemption of the Elmore City 4-H Shooting Club which would still be allowed to conduct shooting activities at the Elmore City Lake in the area designated as the 4-H Shooting Range.

3. Any person convicted of violating any provision of this section shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

SECTION 11-102 LICENSES FOR FISHING, BOATING, HUNTING.

A local license is required for fishing in the Elmore City Lake. All residents of the corporate limits of Elmore City are exempt from the local fishing license requirement. A local license is required for operating a boat on the Elmore City Lake. All residents of the corporate limits of Elmore City are not exempt from the local boating license requirement. License fees are set by the Elmore City Council and may be changed by motion of the Elmore City Council.

SECTION 11-103 PENALTY.

It is unlawful for any person to use any recreational facilities owned or operated by the City without having complied with the rules and regulations promulgated by the City in connection therewith. Any violation of the rules and regulations, or failure to comply with such, shall be guilty of an offense.

**PARKS, RECREATION AND CEMETERY**

CHAPTER 2

(RESERVED)

**PARKS, RECREATION AND CEMETERY**

**PARKS, RECREATION AND CEMETERY**

**PLANNING, ZONING AND DEVELOPMENT**

PART 12

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

PLANNING COMMISSION

Section 12-101 Planning commission created.

Section 12-102 Quorum.

Section 12-103 Organization and rules.

Section 12-104 Power to employ staff.

Section 12-105 Powers and duties.

Section 12-106 Purposes of plan.

Section 12-107 Subdivision of land.

Section 12-108 Zoning commission.

Section 12-109 Uniformity of regulations.

Section 12-110 Comprehensive plan, purpose of regulations and matters considered.

ARTICLE B

BOARD OF ADJUSTMENT

(RESERVED)

CHATPERS 2 AND 3

ZONING REGULATIONS

(RESERVED)

CHAPTER 4

SUBDIVISION REGULATIONS

(RESERVED)

CHAPTER 5

FLOOD PLAIN REGULATIONS

**PLANNING, ZONING AND DEVELOPMENT**

CHAPTER 1

BOARDS AND COMMISSIONS

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Section 12-108 Zoning commission.

Section 12-109 Uniformity of regulations.

Section 12-110 Comprehensive plan, purpose of regulations and matters considered.

ARTICLE A

PLANNING COMMISSION

SECTION 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the City. The commission shall be composed of five (5) members, nominated by the Mayor and confirmed by the City Council. The Mayor shall be an ex-officio member of the commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office. The appointed 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 City Council only for inefficiency, neglect of duty or malefaction in office. Vacancies occurring otherwise than through the expiration of term, shall be filled only for the unexpired terms by the Mayor with confirmation by the City Council. The Mayor shall receive no compensation for his service on the commission.

SECTION 12-102 QUORUM.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission entitled to vote.

SECTION 12-103 ORGANIZATION AND RULES.

Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman, and secretary shall be one year. The planning commission shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this Part 12 of the City code.

SECTION 12-104 POWER TO EMPLOY STAFF.

The planning commission, subject to approval of the City Council, shall have the power and authority to employ planners, engineers, attorney, clerks and other help deemed necessary within the limits of the appropriation fixed by the City Council. The salary and compensation of such employees shall be fixed by the City Council and shall be paid out of the City treasury as are other officers and employees. Necessary expenses incurred by the commission shall be paid from the City treasury as other legal expenses of the City.

SECTION 12-105 POWERS AND DUTIES.

The planning commission shall have the power to prepare and recommend to the City Council for adoption a comprehensive plan for the physical development of the City. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the City and may make recommendations as it may deem advisable concerning the adoption thereof to the City Council. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of it activities. Before final action is taken by the City Council on the location or design of any public buildings, statue, memorial, park, boulevard, street, 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 and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the City Council for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the City 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 12-106 PURPOSES OF PLAN.

In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the City 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 City 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 provisions for traffic, the promotion of safety from fire and other dangers, 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 12-107 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the City Council for adoption rules and regulations governing the subdivision of land within the corporate limits for the City. All plans, plats or replats of land laid out in lots, plots, block, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the City may first be submitted by the City Council to the planning commission for its recommendations. The disapproval of any such plan, plat or replat by the City Council shall be deemed a refusal or 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 City Clerk/Treasurer, certifying the approval and acceptance thereof by the City Council.

SECTION 12-108 ZONING COMMISSION.

The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the City Council for adoption a zoning plan to regulate and restrict the height, number of stories and size of building 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 12-109 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the City into districts of such number, size and areas may be deemed best suited to carry out the zoning plan. 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 12-110 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 the over-crowding 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, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

**PLANNING, ZONING AND DEVELOPMENT**

ARTICLE B

BOARD OF ADJUSTMENT

Section 12-111 Board of adjustment created.

Section 12-112 Board procedures.

Section 12-113 Board powers and duties.

Section 12-114 Appeals to the board of adjustment.

Section 12-115 Individual exceptions authorized.

Section 12-116 Additional conditions.

Section 12-117 Decision-making.

Section 12-118 Appeals from the board of adjustment.

Section 12-119 Violations and penalties.

ARTICLE B

BOARD OF ADJUSTMENT

SECTION 12-111 BOARD OF ADJUSTMENT CREATED

There is hereby created a board of adjustment of the City.

1. Membership.
2. The Board of Adjustment shall consist of five members, all citizens of the city, each to be appointed for a term of three years by the Mayor and confirmed by the City Council, overlapping terms shall be established in the same manner as they are established for the Planning Commission. The City Council may remove any Board of Adjustment member for cause, upon filing of written charges and subsequent to a hearing, vacancies shall be filled, by appointment of the Mayor, and confirmation of the City Council, for the unexpired term.
3. The Board of Adjustment shall elect a chairperson from its membership to serve for a term of one year.
4. Not less than one members of the Board of Adjustment shall be appointed from the membership of the Planning Commission. The remaining members may be members of the Planning Commission, but the same is not required.

SECTION 12-112 BOARD PROCEDURES

1. The Board of Adjustment shall adopt rules consistent with the provisions of this chapter.
2. Meetings of the Board shall be held at the call of the Chairperson and at other times as the Board may determine. The Chairperson, or the acting Chairperson, may administer oaths and compel the attendance of witnesses.
3. All meetings of the Board shall be open to the public.
4. The Board of Adjustment shall keep minutes of its proceedings, showing the vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a matter of public record.
5. The minutes of the meeting at which a variance or special exception is reviewed shall show that each required element for necessary for evaluation of the variance or special exception request was considered at the public hearing on the question and entered into the record.
6. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to affect any variation in the ordinance.
7. Notice of public hearing before the Board of Adjustment shall normally be given by publication in a newspaper of general circulation within the city at least 15 days prior to the hearing.
8. Notice shall also be given by mailing written notice by the City Clerk or Secretary of the Board of Adjustment, at least 20 days before the hearing, to the applicant and to all owners of property within a 300-foot radius of the exterior bound of the subject property, the radius to be extended by increments of 100 linear feet, until the list of property owners includes not less than 15 individual property owners of 15 separate parcels of land or until a maximum radius of 1,000 feet has been reached.
   1. Mailing shall be accomplished at least 20 days prior to the hearing. The notice shall contain:
      1. Legal description of the property and the street address or approximate location in the city;
      2. Present zoning classification of the property and the nature of variance or special exception requested;
      3. The date, time, and place of the hearing; and
      4. A map of the area affected, indicating street names, landmarks, and the like.
   2. A copy of the published notice may be mailed in lieu of written notice.
9. On hearings involving minor variances or special exceptions, notice shall be given by the Board of Adjustment by mailing written notice, to all owners of property adjacent to the subject property, at least ten days prior to the hearing. The notice shall include the same facts required hereinabove. The Board of Adjustment shall set forth in its statement of policy what constitutes a minor variance or special exception, the policy being subject to approval or amendment by motion of the City Council.
10. When notice by mail to neighboring property owners is required by this chapter, listing of the neighboring property owners shall be submitted by the applicant and from the current records of the County Clerk. The required listing of neighboring property owners shall be certified as true and correct by the applicant or by a bonded abstractor. The listings of neighboring property owners shall also include complete mailing addresses, including zip codes, and legal descriptions.

SECTION 12-113 BOARD POWERS AND DUTIES

1. The Board of Adjustment shall have the following powers:
2. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this chapter;
3. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time or the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property, the Board of Adjustment is hereby empowered to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties of hardship, but may establish the requirements relative to the property as would carry out the purpose and intent of this chapter;
4. Upon appeal, the Board of Adjustment is empowered to permit the following exceptions:
   1. To permit line extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record;
   2. To interpret the provisions of this chapter where the street layout actually on the ground varies from the street layout as shown on the zoning map fixing the several district, which map is made a part of this chapter; and
   3. To consider granting relief through a special exception from an encroachment of a structure into a required setback area where the property owner alleges there was an error in the survey, the title information, or a contractor’s error that resulted in the violation of a zoning district setback line by a permanent structure.
5. Upon application the Board of Adjustment is empowered to grant special exceptions. The special exception is intended to allow the location of certain uses while maintaining adequate protection of the surrounding area. These uses, while not generally conforming with traditional use groupings in specific zoning districts, may, when consideration is given to sitting, physical features, compatibility with surrounding land uses, traffic patterns and aesthetics, be able to locate in an area where they will be compatible with existing or planned uses. Each case shall be reviewed on its own merits by the Board of Adjustment which may authorize it by granting a special exception.

SECTION 12-114 APPEALS TO THE BOARD OF ADJUSTMENT

1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the Building Inspector or City Council related to this chapter. The appeal shall be taken within 30 days from the date of the decision by filing with the City Clerk a notice of appeal specifying the grounds thereof, and paying a filing fee of $100 for either a variance, special exception or other type of application, at the office of the City Clerk at the time the notice is filed.
2. The City Clerk shall transmit to the Chairperson of the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the City Clerk certifies to the Board of Adjustment, after the notice of appeal has been filed with the Clerk, that by reason of facts stated in the certification, a stay would, in the Clerk’s opinion, cause imminent peril to life or property.
3. 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 City Clerk and on the cause shown.
4. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time, at the hearing any party may appear in person or by agent or by attorney.

SECTION 12-115 INDIVIDUAL EXCEPTIONS AUTHORIZED

1. In addition to the uses permitted by right, conditionally or on review in each zoning district, the Board of Adjustment may grant a special exception to authorize the following additional uses after an application has been made and a public hearing held in accordance with the requirements of this chapter.
   1. Upon consideration of all pertinent information, a special exception may be granted by the Board of Adjustment to authorize any of the above enumerated uses in individual zoning districts so long as the spirit and intent of the chapter is not jeopardized and all requirements hereof are satisfied.
   2. An application for a special exception shall be filed by the owner of the site or the owner’s agent in accordance with procedures as set forth in this chapter.
   3. All applicable off-street parking, intensity of use, screening, coverage, height, area, and setback provisions for the zoning district in which the use is proposed shall be the minimum requirements for the development of any special exception use. However, the Board of Adjustment may impose any additional requirements that it deems necessary in order to protect the public interest, the additional requirements shall be complied with as a condition to the establishment of any use and shall be maintained as a condition to the continuance of the use.
   4. A complete site plan, drawn to an accurate and acceptable scale, shall be filed with each application for a special exception. The site plan shall include at a minimum:
      1. The location and area of the main and accessory buildings on the site and in relationship to each other and to adjacent uses;
      2. The number and arrangement of parking spaces, traffic circulation areas, the adequacy and manner of the lighting thereof, and its effect on surrounding properties;
      3. The relationship between the off-street parking areas and points of ingress and egress, and the traffic circulation both within and without the site;
      4. The provision of adequate off-street loading and service facilities;
      5. The provision for proper facilities for the accumulation and disposal of garbage and trash;
      6. The provision of fences, walls and landscaping and the provision of facilities and manner of maintenance thereof;
      7. The relationship of the number, size, and location of signs, all of which shall be within the regulations set north in this chapter; and
      8. Other factors as may be necessary to secure and protect the public health, safety, comfort, convenience, and general welfare.

SECTION 12-116 ADDITIONAL CONDITIONS

1. The following special conditions shall apply to all special exceptions and variances granted by the Board of Adjustment, unless a more restrictive condition is provided for elsewhere in this chapter.
   1. No use approved under a special exception or variance shall be commenced or maintained upon a lot or parcel except in accordance with the approved site plan.
   2. All grants of a special exception shall expire in the following cases:
      1. If the use is not established within 12 months of the date of approval; or
      2. If the use, once established, is discontinued or abandoned for a period of 90 days or greater.
   3. When the holder of a grant of a special exception determines that an extension of time of modification of the site plan or other requirements is necessary, he or she shall apply for an amendment in the same manner as the original application. The amendment shall be processed in the same manner as an original application.
2. In the event the holder of a special exception variance, as provided for herein, fails to comply with all of the terms and conditions of the Board order or this chapter, the holder thereof shall be subject to daily fine in the amount of $100. Upon conviction of the offense in Municipal Court, the use shall be canceled, terminated, and revoked.

SECTION 12-117 DECISION-MAKING

1. In exercising the above-mentioned powers, the Board of Adjustment may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the City Clerk.
2. In considering all appeals from rulings made under this chapter, the Board of Adjustment shall, as part of its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city.
3. Every ruling made upon any appeal to the Board of Adjustment shall be accompanied by a written finding of fact based upon the testimony received at the Board hearing and shall specify the reason for granting or denying the appeal.

SECTION 12-118 APPEALS FROM THE BOARD OF ADJUSTMENT

1. Any person or persons, jointly or severally, or any taxpayer, officer, department, board or bureau of the city may appeal any action, decision, ruling, judgment or order of the Board of Adjustment directly to the District Court, by filing notice of appeal with the City Clerk and with the Board of Adjustment within ten days from the filing of the decision of the Board of Adjustment, which notice shall specify the grounds for appeal.
2. Upon filing of the notice of appeal as herein provided, the Board of Adjustment shall forthwith transmit to the Court Clerk of the county, the original or certified copy of the papers constituting the record in the case, together with the order, decision or ruling of the Board.
3. An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Chairperson of the Board of Adjustment, from which the appeal is taken, certifies by reason of facts stated in the certificate, a stay would in his or her opinion, cause imminent peril to life or property.
4. In such case, proceedings shall not be stayed other than by a restraining order which may be granted to the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this chapter, and upon notice to the Chairperson 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 12-119 VIOLATIONS AND PENALTIES

1. It is a violation of this chapter for any person to change or permit the change in use of land, buildings or structures, or to construct, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions set forth in Ch. 150 of this code of ordinances.
2. These regulations shall be enforced by the City Manager or his or her designated representatives.
3. While this section does not require submittal of any documentation prior to formal application for a building permit or certificate of occupancy, property, owners are encouraged to consult with the city prior to making formal application to become familiar with the policies and requirements set forth in this chapter and other relevant chapters of this code of ordinances.
4. Each and every day any building or structure is erected or constructed, or each and every day each and every building or structure is placed upon, or attempted to be placed upon, suffered or permitted to remain upon any lots or lot, block or blocks, parts of blocks, parcels of land, streets, alleys, boulevards, lanes, parks or parkways in violation of this chapter shall constitute a separate and distinct offense against this chapter, and every person who erects or constructs, or attempts to erect or construct, or suffers or permits any building or structure to remain on the lands in violation of this chapter shall be guilty of an offense against the ordinances of the city for each and every day such building or structure is being erected or constructed, suffered or permitted to remain upon any lot or lots, block or blocks, parts of blocks, parcels of land, streets, alleys, boulevards, lanes, parks or parkways, and any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punishable as provided in this code.

**PLANNING, ZONING AND DEVELOPMENT**

CHAPTERS 2 AND 3

ZONING REGULATIONS

(RESERVED)

**PLANNING, ZONING AND DEVELOPMENT**

CHAPTER 4

SUBDIVISION REGULTIONS

(RESERVED)

**PLANNING, ZONING AND DEVELOPMENT**

CHAPTER 5

FLOOD PLAIN REGULATIONS and FLOOD DAMAGE PREVENTION

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Section 12-101 Statutory Authorization

Section 12-102 Findings of Fact

Section 12-103 Statement of Purpose

Section 12-104 Methods of reducing flood losses

ARTICLE II

DEFINITIONS

Section 12-201 Definitions

ARTICLE III

GENERAL PROVISIONS

Section 12-301 Lands to which this ordinance applies

Section 12-302 Basis for establishing the areas of special flood hazard

Section 12-303 Establishment of development permit

Section 12-304 Compliance

Section 12-305 Abrogation and greater restrictions

Section 12-306 Interpretation

Section 12-307 Warning and disclaimer or liability

ARTICLE IV

ADMINISTRATION

Section 12-401 Designation of the flood plain administrator

Section 12-402 Duties & Responsibilities of the flood plain administrator

Section 12-403 Permit Procedures

Section 12-404 Variance Procedures

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 12-501 General Standards

Section 12-502 Specific Standards

Section 12-503 Standards for subdivision proposals

Section 12-504 Standards for areas of shallow flooding (AO/AH Zones)

**CITY OF ELMORE CITY, OKLAHOMA**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601-1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, theCity of Elmore City, Oklahoma,ordains the following:

**SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of the City of Elmore City 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.

(2) These flood loses are created by the cumulative effect of obstructions in floodplains 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, floodproofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance 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:

Protect human life and health;

1. Minimize expenditure of public money for costly flood control projects;
2. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. Minimize prolonged business interruptions;
4. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
5. 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
6. Insure that potential buyers are notified that property is in a flood area.

**SECTION D. METHODS OF REDUCING FLOOD LOSSES**

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**ARTICLE II**

**DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ACCESSORY STRUCTURE -** Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

**AREA OF SHALLOW FLOODING -** means a designated AO or AH zone on 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.

**AREA OF SPECIAL FLOOD HAZARD -** is the land in the floodplain 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 ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO or A1-99.

**BASE FLOOD -** means the flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION** – means the elevation in feet above mean sea level of the Base Flood or 1% chance flood.

**BASEMENT -** means any area of the building having its floor sub-grade (below ground level) on all sides.

**BOARD –** means the Oklahoma Water Resources Board.

**CRITICAL FEATURE -** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**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.

**ELEVATED BUILDING -** means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, 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.

**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."

**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 floodplain management regulations adopted by a community.

**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).

**FLOOD OR FLOODING -** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**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.

**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 floodway width, section area and mean velocity.

**FLOODPLAIN ADMINISTRATOR –** means a person accredited by the Board and designated by a City Council, to administer and implement laws and regulations relating to the management of the floodplains.

**FLOODPLAIN OR FLOOD-PRONE AREA -** means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN 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 floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS -** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**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.

**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.

**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.

**FUNCTIONALLY DEPENDENT USE -** means a use that 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 or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE -** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE -** means any structure that is:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. 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
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
5. By an approved state program as determined by the Secretary of the Interior or;
6. Directly by the Secretary of the Interior in states without approved programs.

**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.

**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.

**LOWEST FLOOR -** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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.

**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".

**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.

**MEAN SEA LEVEL -** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**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 an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**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 minimum, 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 floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE -** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

**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, rehabilitation, addition, placement, or other improvement 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 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 the 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.

**STRUCTURE -** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE -** means damage 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.

**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 that have incurred "substantial damage", regardless of the actual repair work performed. 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 would not preclude the structure's continued designation as a "historic structure."

**VARIANCE -** is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION -** means the failure of a structure or other development to be fully compliant with this community's floodplain 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) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION -** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III

**GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

This floodplain management ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Elmore City, Oklahoma.

**SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, “The Flood Insurance Study for Garvin County, Oklahoma and Incorporated Areas” dated April 3 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of these regulations. However, until this date the current effective flood maps for the areas of special flood hazard identified by FEMA on its “FIRM Flood Insurance Rate Map City of Elmore City, Oklahoma Garvin County” dated July 20, 1982, shall be used for this purpose until April 3 2012.

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

**SECTION D. 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 E. 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 any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
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 G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance 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 causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance 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 these regulations or any administrative decision lawfully made hereunder.

**ARTICLE IV**

**ADMINISTRATION**

**SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The City Council of the City of Elmore City shall appoint a Floodplain Administrator by resolution to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

**SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain 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 these regulations.
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 these regulations.
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 are required.
5. Where 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 Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, 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 Article 3, Section B, the Floodplain 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 of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (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** complies with 44 CFR, Chapter 1, Section 65.12.

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601-1618, as amended.

12. After a disaster or other type of damage occurrence to structures in the City of Elmore City, determine if the residential & non-residential structures & manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

**SECTION C. PERMIT PROCEDURES**

A. Application for a Development Permit shall be presented to the Floodplain 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 floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

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 Article 4, Section (B)(1).

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. The danger to 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 D. VARIANCE PROCEDURES**

1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. 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 Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. 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 Section C (2) of 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.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. 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.
10. Prerequisites for granting variances:
11. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
12. Variances shall only be issued upon:

Showing a good and sufficient cause;

1. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
2. 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, regulations or ordinances.
3. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.
4. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
5. The criteria outlined in Article 4, Section D (1)-(9) are met, and
6. 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.
7. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of Twenty-five Dollars ($25.00).
8. A copy of any variance issued shall be sent to the OWRB within in fifteen (15) days of issuance.

**ARTICLE V**

**PROVISIONS FOR FLOOD HAZARD REDUCTION**

**SECTION A. GENERAL STANDARDS**

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 damage;
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;
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 B. SPECIFIC STANDARDS**

In all areas of special flood hazards the following provisions are required:

1. **Residential Construction -** new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least (1) foot or greater above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., 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 at least (1) foot or greater 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. The Floodplain Administrator shall maintain a record of all floodproofing certifications that includes the specific elevation (in relation to mean sea level) to which each structure has been floodproofed.
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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
4. 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.
5. The bottom of all openings shall be no higher than one foot above grade.
6. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. **Manufactured Homes** -
8. 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 that minimize flood damage and have the bottom of the I- beam elevated at or above the base flood elevation. 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 and a licensed installer shall install the home and place the required placard on the dwelling.
9. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) 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. Also, a licensed installer shall install the home.

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 the bottom of the I-beam of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer that complies with state law.

1. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
2. Be on the site for fewer than 180 consecutive days,
3. Be fully licensed and ready for highway use, or
4. Meet the permit requirements of Article 4, Section C (1), 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.
5. **Accessory Structure –**
6. Structure is low valued and represents a minimal investment.
7. Structure shall be small and not exceed 600 square feet in size.
8. Structure shall be unfinished on the interior.
9. Structure can be used only for parking and limited storage.
10. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
11. Service facilities such as electrical and heating equipment must be elevated to or above the BFE or floodproofed.
12. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
13. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.
14. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
15. Floodway requirements must be met in the construction of the structure.
16. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.
17. Structure is to be located so as not to cause damage to adjacent and nearby structures.

**SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. 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 Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. 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 D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, 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 flows 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 **non-residential** structures;

1. 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), or;
2. 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 Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

**SECTION E. FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **complies with all of 44 CFR Chapter 1, Section 65.12.**

## SECTION F. SEVERABILITY

## If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

# PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $ 500.00 or imprisoned for not more than one year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of Elmore City or the City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

**PLANNING, ZONING AND DEVELOPMENT**

**PUBLIC SAFETY**

PART 13

PUBLIC SAFETY

CHAPTER 1

FIRE PREVENTION CODE

Section 13-101 Adoption of fire prevention code.

Section 13-102 Fire prevention.

Section 13-103 Amendments to fire code.

Section 13-104 Provisions declared to be minimum requirements.

Section 13-105 Modifications of the fire prevention code authorized.

Section 13-106 New materials, processed or occupancies which may require permits.

Section 13-107 Appeals.

Section 13-108 Life safety code adopted.

CHAPTER 2

FIRE SERVICES

ARTICLE A

FIRE DEPARTMENT

Section 13-201 Fire department

Section 13-202 Volunteer department

Section 13-203 Fire chief

Section 13-204 Duties of the assistant chief.

Section 13-205 Company officers.

Section 13-206 Secretary-treasurer.

Section 13-207 Membership, new members.

Section 13-208 Bylaws.

Section 13-209 Rules and regulations.

Section 13-210 Social officers.

Section 13-211 Use of fire equipment.

Section 13-212 Authority of firefighters at fires.

Section 13-213 Right of entry.

ARTICLE B

CALLS OUTSIDE LIMITS

Section 13-221 Power to contract.

Section 13-222 Contracts for service.

Section 13-223 Authority to answer calls.

Section 13-224 Charges for calls made outside City.

Section 13-225 Firefighters serving in regular line of duty.

Section 13-226 Department considered agent of state.

CHAPTER 3

POLICE SERICES

Section 13-301 Police department created; chief.

Section 13-302 Duties.

CHAPTER 4

CIVIL DEFENSE

Section 13-401 Purpose of chapter.

Section 13-402 Department.

Section 13-403 Responsibilities and duties of director, deputies.

Section 13-404 Emergency powers of civil defense organization.

**PUBLIC SAFETY**

CHAPTER 1

FIRE PREVENTION CODE

Section 13-101 Adoption of fire prevention code.

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Section 13-105 Modifications of the fire prevention code authorized.

Section 13-106 New materials, processes or occupancies which may require permits.

Section 13-107 Appeals.

Section 13-108 Life safety code adopted.

SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE.

The 2009 editions of the **International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, 2009, International Plumbing Code®, and the 2011 edition of the National Electrical Code® have been adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. These codes are effective November 1, 2012. These codes are the **minimum building codes** for all Commercial Construction throughout the State of Oklahoma including **the rural areas of the state.** Previously, the **International Residential Code, 2009 edition was adopted with modifications** by the State of Oklahoma through the Uniform Building Code Commission utilizing the Secretary of State’s Office of Administrative Rules process. This code was effective July 15, 2011. The 2009 IRC is the **minimum building code** for all Residential Construction (Building, Plumbing, Mechanical, Fuel Gas and Electrical) throughout the State of Oklahoma including **the rural areas of the state.**

SECTION 13-102 FIRE PREVENTION.

The fire prevention code shall be enforced by the division of fire prevention in the fire department, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

SECTION 13-103 AMENDMENTS TO FIRE CODE.

The following sections are hereby revised as follows:

1. Section 101.1. Insert: “City of Elmore City”.

SECTION 13-104 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

The provisions of the Fire Prevention Code, latest edition, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of the City code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

SECTION 13-105 MODIFICATIONS OF THE FIRE PREVENTION CODE AUTHORIZED.

The fire chief, with approval of the Mayor and City Council, shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the building 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 shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

SECTION 13-106 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The building officer, the chief of the fire department and the Mayor shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

SECTION 13-107 APPEALS.

Whenever the fire chief or his designee shall disapprove an application or refuse to grant a permit or license 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 to the board of adjustment of the City within thirty (30) days from the date of the decision appealed from.

SECTION 13-108 LIFE SAFETY CODE ADOPTED.

There is hereby adopted for the purposes of establishing rules and regulations for the protection of the public safety from the hazards of fire, smoke, fumes, etc., that certain code known as the National Fire Protection Association Life Safety Code, being particularly the latest edition thereof and the whole thereof, save and except such portions thereof as are hereinafter deleted, modified, or amended. Not less than one copy has been and now is filed in the office of the City Clerk/Treasurer. The code is hereby adopted and incorporated as fully as if set out at length herein.

**PUBLIC SAFETY**

CHAPTER 2

FIRE SERVICES

ARTICLE A

FIRE DEPARTMENT

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Section 13-205 Company officers.

Section 13-206 Secretary-treasurer.

Section 13-207 Membership, new members.

Section 13-208 Bylaws.

Section 13-209 Rules and regulations.

Section 13-210 Social officers.

Section 13-211 Use of fire equipment.

Section 13-212 Authority of firefighters at fires.

Section 13-213 Right of entry.

ARTICLE B

CALLS OUTSIDE THE LIMITS

Section 13-221 Power to contract.

Section 13-222 Contracts for service.

Section 13-223 Authority to answer calls.

Section 13-224 Charges for calls made outside City.

Section 13-225 Firefighters serving in regular line of duty.

Section 13-226 Department considered agent of state.

**PUBLIC SAFETY**

ARTICLE A

FIRE DEPARTMENT

SECTION 13-201 FIRE DEPARTMENT.

A. There is a fire department of the City, the head of which is the chief of the fire department.

B. It is the duty of the fire department, among others to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures on elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

SECTION 13-202 VOLUNTEER DEPARTMENT.

A. The fire department of the City is a volunteer department which has in its service not more than two (2) full time salaried firefighters and not less than six (6) nor more than twenty (20) volunteer firefighters.

B. For the purpose of this chapter, a volunteer firefighter is considered as one who is enrolled as a member of the fire department and who serves in the capacity without receiving a regular salary.

SECTION 13-203 FIRE CHIEF.

The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the City, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties, and he may assign duties to other members of the department:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of member, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the Mayor;

2. The chief may inspect or cause to be inspected by members of the department the fire hydrants, cisterns and other sources of water supply at least twice each year;

3. The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;

4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.

5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure the preservation of all possible evidence for future use in the case;

7. The chief is authorized to enter any building or premises in the City at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

8. The chief shall see that complete records are kept of all firs, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the Mayor as he may require. The chief shall keep the City informed regarding the fire department and its needs.

SECTION 13-204 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the department and be appointed by the chief, with approval of the Mayor.

SECTION 13-205 COMPANY OFFICERS.

Company officers shall be selected by the chief based on the following criteria;

1. Knowledge of fire firefighting;

2. Leadership ability; and

3. Knowledge of firefighting equipment.

SECTION 13-206 SECRETARY TREASURER.

One member elected by the members of the fire department, subject to approval of the chief, shall be a secretary-treasurer. His 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 MEMBERSHIP, NEW MEMBERS.

A. Membership of the department shall consist of such persons as may be appointed by the chief and shall be persons residing within the City or within a distance of 5 miles of the City limits. Determination of whether candidates for appointment are capable of performing their duties shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the Mayor.

B. Applicants for prospective firefighter positions shall serve a six-month training program, not to exceed six (6) months. During the training period, the trainee shall not be granted a firefighter status and is not eligible to be placed on the rolls as a firefighter until such time as the firefighter is selected as provided herein. At no time will a trainee be appointed except when a regular firefighter’s employment is terminated or a regular firefighter is within six (6) months of retirement.

C. New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department, the chief and the Mayor.

SECTION 13-208 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 rolls;

5. Any member leaving the City 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. 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 a majority vote of the members of the company and approval of the chief.

SECTION 13-209 RULES AND REGULATIONS.

The City Council, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 13-210 SOCIAL OFFICERS.

The department may elect a president, vice-president, secretary or treasurer to be known as social officers. Such officers may be elected in any manner and for any term the members may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the members. The functions and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

SECTION 13-211 USE OF FIRE EQUIPMENT.

A. The department shall be equipped with such apparatus and other equipment as maybe required from time to time to maintain its efficiency and properly protect life and property from fire.

B. Recommendations of apparatus and equipment needed shall be made by the chief, purchased after approval as other City purchases.

C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the Mayor, by the chief, with approval of the Mayor.

D. Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.

E. No person shall use any fire apparatus or equipment for any private purpose, not shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

SECTION 13-212 AUTHORITY OF FIREFIGHTERS AT FIRES.

The fire chief, assistant fire chiefs or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

**PUBLIC SAFETY**

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION 13-221 POWER TO CONTRACT.

The City is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the City, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

SECTION 13-222 CONTRACTS FOR SERVICE.

Any contract entered into by the City, with an individual owner, a firm, private corporation, association or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association or political subdivision for such service, equipment or personnel in an amount reached through negotiation by the parties.

SECTION 13-223 AUTHORITY TO ANSWER CALLS.

The fire department is authorized to answer all calls outside the City within a reasonable distance of the City limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the City.

SECTION 13-224 CHARGES FOR CALLS MADE OUTSIDE CITY.

The City may enter into a contract with persons, organizations or associations to provide fire protection service outside the City limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the City and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the City. The charges for such calls shall be as specified in the fee schedule.

SECTION 13-225 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the City.

SECTION 13-226 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department when answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the City shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the City shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

**PUBLIC SAFETY**

CHAPTER 3

POLICE SERVICES

Section 13-301 Police department created; chief.

Section 13-302 Duties.

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF.

There shall be a police department, the head of which is the chief of police, or the police chief.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice violators of the ordinances of the City; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

**PUBLIC SAFETY**

CHAPTER 4

CIVIL DEFENSE

Section 13-401 Purpose of chapter.

Section 13-402 Department.

Section 13-403 Responsibilities and duties of director, deputies.

Section 13-404 Emergency powers of civil defense organization.

SECTION 13-401 PURPOSE OF CHAPTER.

The purpose of this chapter is to create an emergency management and civil defense organization for the City to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the City. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the City and the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-402 DEPARTMENT.

The purpose of the civil defense department (hereinafter “department”) is to prepare for, and function in the event of, emergencies endangering the lives and property of the citizens of the City. The department is headed by a director, appointed by the Mayor for such compensation and under such terms as the Mayor may establish. The director serves at the pleasure of the Mayor.

SECTION 13-403 RESPONSIBILITIES AND DUTIES OF DIRECTOR, DEPUTIES.

A. The director of the department shall be the administrative head of the department and shall be responsible for carrying out the emergency management and civil defense program of the City in coordination with the civil defense advisory committee. He shall have such further duties and responsibilities to cooperate with all emergency services and civil defense agencies of other governmental units including the state and the federal government.

B. The Mayor, or the director, when empowered by the Mayor, may designate some person as deputy director or assistant director and shall prescribe the duties of the deputy or assistant from time to time as necessary for the carrying out of the emergency management and civil defense program of the City. The deputy director shall perform all duties of the director upon the death, disability or illness, or separation from service of the director. In addition to the foregoing duties, the deputy or assistant shall render such aid and assistance and perform such duties under the emergency management and civil defense program of the City as may be required by the director.

SECTION 13-404 EMERGENCY POWERS OF CIVIL DEFENSE ORGANIZATION.

A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management and civil defense and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with other governmental agencies, emergency management services and civil defense organizations.

B. The director, other members of the department and members of any emergency services and the civil defense organization established herein shall have the power and authority to enforce the laws of the state and ordinances of the City during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or ordinances.

**PUBLIC SAFETY**

**PUBLIC SAFETY**

**STREETS AND SIDEWALKS**

PART 14

STREETS AND SIDEWALKS

CHAPTER 1

GENERAL PROVISIONS

Section 14-101 Obstructions generally.

Section 14-102 Interfering with street, free flow of traffic.

Section 14-103 Removal of trees, shrubs, obstructing view of traffic

Section 14-104 Display or sale of goods, wares and merchandise.

Section 14-105 No structures on or over streets and sidewalks.

Section 14-106 Playing prohibited.

Section 14-107 Water on streets, water not to drain from washing vehicle.

Section 14-108 Unlawful to injure trees, shrubbery.

Section 14-109 Signs obstructing view, in sight triangle, prohibited.

Section 14-110 Duties of owners and occupants of adjacent property relative to sidewalk obstruction, hazards.

Section 14-111 Penalty.

CHAPTER 2

Section 14-201 Closing West E. Street

Section 14-202 Closing Curtis Kennedy Street

Section 14-203 Restricted Use and Limited Closing of Missouri Street.

**STREETS AND SIDEWALKS**

CHAPTER 1

GENERAL PROVISIONS

Section 14-101 Obstructions generally.

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Section 14-109 Signs obstructing view, in sight triangle, prohibited.

Section 14-110 Duties of owners and occupants of adjacent property relative to sidewalk obstructions, hazards.

Section 14-111 Penalty.

SECTION 14-101 OBSTRUCTIONS GENERALLY.

It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind.

SECTION 14-102 INTERFERING WITH STREET, FREE FLOW OF TRAFFIC.

A. It is unlawful to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION 14-103 REMOVAL OF TREES, SHRUBS, OBSTRUCTING VIEW OF TRAFFIC.

A. The owner of every lot or parcel of land in the City upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs, plants or obstruction, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the City to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at intersections.

B. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage, sight and travel along the streets, sidewalks and alleys, If premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

C. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in this section, after receiving five (5) days’ notice from the City manager or his designee to do so, is guilty of an offense against the City. In addition to any fine or punishment as an offense, the City may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five (5) days’ notice shall be a separate offense.

SECTION 14-104 DISPLAY OR SALE OF GOODS, WARES AND MERCHANDISE.

A. Except as otherwise provided in this code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the City. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.

B. Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the City, and if not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.

C. In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense.

SECTION 14-105 NO STRUCTURES ON OR OVER STREETS AND SIDEWALKS.

A. It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the City, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefore.

B. Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the City, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the City harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the City.

SECTION 14-106 PLAYING PROHIBITED.

It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-traveled portion of any sidewalk, street, avenue or alley of the City except as may be authorized by ordinance.

SECTION 14-107 WATER ON STREETS, WATER NOT TO DRAIN FROM WASHING VEHICLE.

It is unlawful for any person to wash or drain into any street, alley or other public place in the City any water from his house or premises or to allow any filth or water to escape from his premises upon any of the places above mentioned or upon property contiguous thereto. No auto or other vehicle shall be washed at any place within the City where the water, dirt, or other substances removed there from will drain into any street or sidewalk of the City.

SECTION 14-108 UNLAWFUL TO INJURE TREES, SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-109 SIGNS OBSTRUCTING VIEW, IN SIGHT TRIANGLE, PROHIBITED.

A. It is unlawful for any person to otherwise place any object, vehicle or structure on or so near to any street right-of-way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.

B. It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the sight triangle, which is defined as that area formed by measuring from the point of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way. Any sign, fence or structure placed or located in the area is hereby determined to be a public nuisance, and the City is authorized to cause the structure, fence or sign to be removed.

SECTION 14-110 DUTIES OF OWNERS AND OCCUPANTS OF ADJACENT PROPERTY RELATIVE TO SIDEWALK OBSTRUCTIONS, HAZARDS.

A. It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstructions and to remove such weeds, trash and obstructions from such places.

B. It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the City any trash, weeds, tree trimmings, dirt or any other refuse of any kind.

C. It is unlawful for the owner or occupant of property abutting upon a sidewalk or 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 14-111 PENALTY.

Any person who violates any provision of this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which a violation continues shall constitute a separate offense.

**STREETS AND SIDEWALKS**

CHAPTER 2

STREET CLOSINGS

Section 14-201 Closing West E Street.

Section 14-202 Closing Curtis Kennedy Street.

Section 14-203 Restricted Use and Limited Closing of Missouri Street.

SECTION 14-201 CLOSING WEST E STREET

Notice has been given to all franchise holders and others that may have a special right or interest to use the public way within the City of Elmore City, Oklahoma, at least thirty days prior to the enactment of this ordinance.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELMORE CITY: WEST E STREET, JOINED BY LOTS 4 AND 5 OF BLOCK 24 AND LOTS 1 AND 4 OF BLOCK 27 BETWEEN SOUTH TEXAS STREET AND SOUTH ARKANSAS STREET, ELMORE CITY, OKLAHOMA, IS HEREBY CLOSED.

Ordinance #2003-3

SECTION 14-202 CLOSING CURTIS KENNEDY STREET

Notice has been given to all franchise holders and others that may have a special right or interest to use the public way within the City of Elmore City, Oklahoma, at least thirty (30) days prior to the enactment of this ordinance.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELMORE CITY: CURTIS KENNEDY STREET, JOINED BY LOTS 3 AND 4 OF BLOCK 9, BETWEEN NORTH MAIN AND MORHT MISSOURI AVENUES, ELMORE CITY, OKLAHOMA, IS HEREBY CLOSED.

Ordinance #2004-2

SECTION 14-203 RESTRICTED USE AND LIMITED CLOSING OF MISSOURI STREET.

North Missouri Street, joined by Lots 1,2, and 3, of Block 9, and Lots 3 and4, of Block 10, and Lots 1,2, and 3 of Block 12, and Lots 3 and 4, of Block 11, lying between East A Street and East C Street, in the City of Elmore City, Oklahoma, shall be and hereby is closed between the hours of 7:30 a.m. to 3:30 p.m. to all through traffic except for official school buses and emergency vehicles..

**STREETS AND SIDEWALKS**

**TRAFFIC AND VEHICLES**

PART 15

TRAFFIC AND VEHICLES

CHAPTER 1

GENERAL PROVISIONS

Section 15-101 Citation.

Section 15-102 Definitions.

Section 15-103 Security verification form.

Section 15-104 Vehicle owner not to permit or authorize violation of law or this chapter.

Section 15-105 Parent or guardian not to authorize or permit child or ward to violate chapter.

Section 15-106 Adoption of state vehicle laws.

Section 15-107 Jurisdiction.

CHAPTER 2

TRAFFIC-CONTROL DEVICES

Section 15-201 Authority to install traffic-control devices.

Section 15-202 Design and construction of traffic-control devices; manual of specifications.

Section 15-203 Traffic signs required for enforcement.

Section 15-204 Obedience to official traffic-control devices.

Section 15-205 Pedestrian-activated school crossing signals.

Section 15-206 Display of unauthorized signs or signals.

Section 15-207 Defacing or removing traffic-control devices.

Section 15-208 Designation of crosswalks and safety zones.

CHAPTER 3

EQUIPMENT

Section 15-301 Equipment required; use of equipment.

Section 15-302 Muffler required; cutouts.

Section 15-303 Width, height, length, weight and load, maximum load.

Section 15-304 Windshields to be unobstructed; wipers required.

Section 15-305 Inspection of vehicles; safety stickers.

Section 15-306 Vehicles to be registered; display of tags.

CHAPTER 4

CERTAIN VEHICLES PROHIBITED

Section 15-401 Vehicles injurious to streets; metal tires prohibited.

Section 15-402 Obstructive and dangerous vehicles; covering of loads.

Section 15-403 Permit for vehicles with protruding parts on wheels.

Section 15-404 Deposit of glass, nails, or other injurious matter in streets; responsibility to remove after accident.

Section 15-405 All Terrain Vehicles.

CHAPTER 5

DRIVING, OVERTAKING AND PASSING

Section 15-501 Driving on right side of roadway; exception.

Section 15-502 Passing vehicles proceeding in opposite direction.

Section 15-503 Passing vehicle on left.

Section 15-504 Passing vehicle on right.

Section 15-505 Passing requirements, duty of overtaken vehicle.

Section 15-506 Passing prohibited.

Section 15-507 Designation of no-passing zones.

Section 15-508 School buses; markings; passing regulations.

Section 15-509 Driving on laned roadways, marking traffic lanes.

Section 15-510 Driving on divided highways.

Section 15-511 Following too closely.

Section 15-512 Restricted-access roadways.

Section 15-513 Driving through service drives.

Section 15-514 Reckless driving.

Section 15-515 Careless or negligent driving.

Section 15-516 Driving over fire hose.

Section 15-517 Following fire or emergency apparatus.

Section 15-518 Procedure on approach of emergency vehicles.

Section 15-519 Actual physical control of vehicle while intoxicated.

Section 15-520 Driving under the influence of intoxicating liquor or drugs; driving while impaired; evidence; penalty.

Section 15-521 Driver’s license required.

Section 15-522 Driving while license suspended; use of false license.

Section 15-523 Permitting unlicensed person to drive.

Section 15-524 Driving through funeral processions.

Section 15-525 Driving in funeral procession.

Section 15-526 Identification of funeral processions.

Section 15-527 Use of roller skates, coasters, skateboards on roadway.

Section 15-528 Play streets authorized.

Section 15-529 Use of play streets by motor vehicles.

Section 15-530 Obstructing intersection or crosswalk.

Section 15-531 Driving on sidewalk prohibited.

Section 15-532 Driving in public parks restricted, driving on property without permission.

Section 15-533 Starting stopped or parked vehicles.

Section 15-534 Backing of vehicle.

Section 15-535 Opening and closing vehicle door.

Section 15-536 Obstructions to driver’s view; number in front seat.

Section 15-537 Clinging to vehicle.

Section 15-538 Boarding or alighting from moving vehicle.

Section 15-539 Riding outside vehicle compartment.

Section 15-540 Driving through safety zone.

Section 15-541 Child passenger restraint system or seat belt required; exceptions; penalty.

Section 15-542 Seat belts required for front seat passengers; exceptions.

Section 15-543 Texting while Driving.

CHAPTER 6

STOPPING, STANDING AND PARKING

ARTICLE A

PARKING REGULATIONS

Section 15-601 Stopping, standing or parking prohibited in certain places.

Section 15-602 Handicapped parking restrictions.

Section 15-603 Parking not to obstruct traffic or signs.

Section 15-604 Parking for certain purposes prohibited.

Section 15-605 Removing enforcement marking.

Section 15-606 Standing or parking on left side of roadway.

Section 15-607 Parking on private property; impounding of vehicle.

Section 15-608 Driving or parking on commercial business property restricted, signs.

Section 15-609 Parking more than twenty-four (24) hours.

Section 15-610 Unattended vehicles.

Section 15-611 Authority to restrict parking time.

Section 15-612 Parking in private parking spaces without permission of owner.

Section 15-613 Prohibiting parking within fire lanes on certain private property.

Section 15-614 Limiting parking to authorized emergency vehicles.

Section 15-615 Presumption in prosecutions for standing or parking violations.

ARTICLE B

MANNER OF PARKING

Section 15-620 Distance from curb.

Section 15-621 Brakes to be set; motor not to be running; securing animals.

Section 15-622 Angle parking.

Section 15-623 Parking within marked spaces.

Section 15-624 Parking to be such as to leave ten (10) feet of roadway available for traffic.

Section 15-625 Double parking prohibited.

CHAPTER 7

SPEED REGULATIONS

Section 15-701 Speed limits.

Section 15-702 Minimum speed.

CHAPTER 8

RIGHT-OF-WAY

Section 15-801 Right-of-way at intersections.

Section 15-802 Right-of-way at intersection, vehicles arriving at same time.

Section 15-803 Left turn at intersection.

Section 15-804 Designation of through streets.

Section 15-805 Signs at through streets.

Section 15-806 Determination of stop and yield intersections.

Section 15-807 Vehicles entering stop intersections.

Section 15-808 Vehicle entering yield intersection.

Section 15-809 School zones and crosswalks.

Section 15-810 Emerging from alley or driveway.

Section 15-811 Obstructing intersection or crosswalk.

CHAPTER 9

TURNING MOVEMENTS

Section 15-901 Method of turning generally and at intersections.

Section 15-902 Authority to place turning markers.

Section 15-903 Authority to restrict turning; obedience required.

Section 15-904 Limitations of turning, U-turns.

Section 15-905 Turning or stopping movements; signals required.

Section 15-906 Signals; method required.

Section 15-907 Method of giving hand signals.

CHAPTER 10

ONE-WAY STREETS AND ALLEYS

Section 15-1001 Authority to designate one-way streets.

Section 15-1002 One-way streets; direction of traffic.

Section 15-1003 Rotary traffic islands.

CHAPTER 11

TRUCK ROUTES AND PARKING

Section 15-1101 Truck routes.

CHAPTER 12

LOADING ZONES

Section 15-1201 Authority to designate curb loading zones.

Section 15-1202 Parking or standing in passenger loading zone restricted.

Section 15-1203 Standing or parking in freight loading zones.

Section 15-1204 Permit to back to curb for loading or unloading.

CHAPTER 13

PUBLIC CARRIER STOPS

(RESERVED)

CHAPTER 14

ACCIDENTS

Section 15-1401 Accidents involving death or personal injury.

Section 15-1402 Accidents involving damage to property.

Section 15-1403 Duty to give information and render aid.

Section 15-1404 Duty upon striking unattended vehicle.

Section 15-1405 Duty upon striking fixtures upon a highway.

Section 15-1406 Immediate notice of accident.

Section 15-1407 When driver unable to report.

CHAPTER 15

MOTORCYCLES

Section 15-1501 Operation of motorcycle.

Section 15-1502 Equipment required.

Section 15-1503 Headgear required.

Section 15-1504 License required.

CHAPTER 16

BICYCLES

Section 15-1601 Effects of regulations; parent’s duty.

Section 15-1602 Applicability of traffic laws.

Section 15-1603 Obedience to traffic-control devices.

Section 15-1604 Manner of riding bicycle.

Section 15-1605 Riding on roads and bicycle paths.

Section 15-1606 Speed restrictions.

Section 15-1607 Carrying articles.

Section 15-1608 Parking.

Section 15-1609 Riding on sidewalk prohibited.

Section 15-1610 Lights and brakes.

Section 15-1611 Rider not to cling to other vehicle.

Section 15-1612 Signal devices.

Section 15-1613 Emerging from alley, driveway or building.

Section 15-1614 Dealers to report.

Section 15-1615 Penalty.

CHAPTER 17

PEDESTRIANS

Section 15-1701 Subject to traffic-control signals.

Section 15-1702 Right-of-way at crosswalks.

Section 15-1703 Pedestrians to use right half of crosswalk.

Section 15-1704 Crossing at right angles.

Section 15-1705 When pedestrians shall yield.

Section 15-1706 Prohibited crossing.

Section 15-1707 Obedience to railroad signals.

Section 15-1708 Walking along roadway.

Section 15-1709 Hitchhiking; soliciting business.

Section 15-1710 Drivers to exercise care.

Section 15-1711 Playing in streets.

Section 15-1712 Use of white cane; special provisions for blind pedestrians.

CHAPTER 18

ENFORCEMENT

Section 15-1801 Authority of police and fire officials.

Section 15-1802 Authority to direct traffic.

Section 15-1803 Emergency and experimental regulations.

Section 15-1804 Obedience to police and fire officials required.

Section 15-1805 Applicability to public employees.

Section 15-1806 Authorized emergency vehicles.

Section 15-1807 Persons working on streets exempted.

Section 15-1808 Closing streets for repairs; barricades required; use of street restricted.

Section 15-1809 Riding animals and animal-drawn vehicles.

Section 15-1810 Notification of runs by emergency vehicles.

CHAPTER 19

IMPOUNDMENT

Section 15-1901 Purpose and effect of impoundment provisions.

Section 15-1902 Police granted authority to impound vehicles.

Section 15-1903 Disabled vehicles.

Section 15-1904 Vehicle constitutes traffic hazard.

Section 15-1905 Illegal trespass by vehicle.

Section 15-1906 Vehicles parked in prohibited zone.

Section 15-1907 Vehicles parked in intersection.

Section 15-1908 Stolen vehicles, recovery by police.

Section 15-1909 Arrest and detention of driver of vehicle.

Section 15-1910 Unlicensed vehicles.

Section 15-1911 Place of impoundment.

Section 15-1912 Duration of impoundment.

CHAPTER 20

PENALTIES AND ARREST PROCEDURE

Section 15-2001 Penalty.

Section 15-2002 Citation tags on parked vehicles.

**TRAFFIC AND VEHICLES**

CHAPTER 1

GENERAL PROVISIONS

Section 15-101 Citation.

Section 15-102 Definitions.

Section 15-103 Security verification form.

Section 15-104 Vehicle owner not to permit or authorize violation of law or this chapter.

Section 15-105 Parent or guardian not to authorize or permit child or ward to violate chapter.

Section 15-106 Adoption of state vehicle laws.

Section 15-107 Jurisdiction.

SECTION 15-101 CITATION.

This part shall be known and may be cited as the City’s traffic code.

SECTION 15-102 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. “Alley” means any narrow public passageway or street ordinarily located in the interior portion of platted blocks, having no legal or official name other than alley, as herein defined, and ordinarily open to traffic and sued for service or delivery purposes to the rear of stores, dwellings or buildings;

2. “Arterial street” means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

3. “Authorized emergency vehicle” means a vehicle of the fire department, police department or other law enforcement agencies, state and national, ambulances, and such other emergency vehicle of municipal departments or public service corporations as are authorized by the chief of police, and all of which are equipped with sirens and with red lights displayed openly on the front when engaged in emergency runs;

4. “Bicycle” means every device propelled by human power upon which any person may ride, having two (2) tandem wheels;

5. “Boulevard” or “through street” means any street or highway or portion thereof designated by ordinances of the City which require vehicles to come to a full and complete stop before entering such street or highway from intersecting streets or highways;

6. “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 sued for the transportation of persons for compensation;

7. “Bus loading zone” means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers;

8. “Business district” means the territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations or 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;

9. “Commercial chauffeur” and “chauffeur” means:

a. “Commercial chauffeur” means every person who operates a motor vehicle while in use as a common carrier of persons or property; and

b. “Chauffeur” means every person who is employed by another for the principal purpose of operating a motor vehicle and every person who operates a motor vehicle of one ton or more rated capacity that is required by law to have a commercial tag attached thereto and every person who operates a school bus transporting schoolchildren to and from school;

10. “Commercial vehicles” means vehicles designed primarily for the transportation of persons or property for hire;

11. “Crosswalk” 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 roadway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

12. “Curb loading zones” means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, freight or materials;

13. “Curbs” means the edge of a roadway marked or understood as such’

14. “Daytime” means one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. Nighttime means any other time;

15. “Double park” means the standing or stopping of a vehicle, whether occupied or not, on the roadway;

16. “Driver” means every person who drives or is in actual physical control of a vehicle;

17. “Emergency” means a condition suddenly created, requiring immediate action for the preservation of public peace, health or safety, and among other things particularly means any fire, unusual storm, death, riot or unusual traffic condition;

18. “Explosives” means any chemical compound, mixture or device, including “fireworks”, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the Interstate Commerce Commission. The term “explosives classified by the Interstate Commerce Commission” includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse lighters, fuse igniter, squibs, cordeau detonate fuses, igniter cords, igniters, and some special fireworks. “Commercial explosives” are those which are intended to be sued in commercial or industrial operations;

19. “Flammable liquid” means liquid which has a flash point of seventy (70) degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup device and having a vapor pressure not exceeding forty (40) psi at one hundred degrees (100) Fahrenheit;

20. “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 roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

b. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection;

21. “Laned roadway” means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

22. “License to operate a motor vehicle” means any operator’s commercial chauffeur’s license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

a. Any temporary license or instruction permit;

b. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or

c. Any nonresident’s operating privilege as defined herein;

23. “Metal tire: means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, no resilient material;

24. “Motor vehicle” means every vehicle which is self-propelled and every vehicle not operated upon rails;

25. “Motor vehicle accident” is defined and classified as in “Manual on Classification of Motor Vehicle Traffic Accidents” prepared by the Committee on Uniform Traffic Accident Statistics, Traffic Conference, and distributed by the National Safety Council’

26. “Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

27. “Motor-driven cycle” means every motorcycle, including every motor scooter or bicycle, equipped with a motor which produces not to exceed five (5) brake horsepower at full throttle without a governor as determined by a dynamometer test and designed to travel on not more than three(3) wheels in contact with the ground;

28. “Muffler” means a device designed for the sue on a particular internal-combustion engine and properly affixed thereto for the purpose of reducing the exhaust noise of such engine to an unobjectionable level;

29. “Official traffic-control devices” means all signs, barricades, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic which conforms to the latest edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways,” published by the U.S. Department of Transportation, a copy of which is on file;

30. “Operator” means every person, other that a commercial chauffeur or chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

31. “Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

32. “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.

33. “Passenger” means a rider in any vehicle other than the driver;

34. “Pedestrian” means any person afoot;

35. “Police officer” means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

36. “Private road or driveway” means every way or place in private ownership and sued for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

37. “Railroad” means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

38. “Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

39. “Registration” means the registration certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles;

40. “Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business;

“Revocation of driver’s license” means the termination by formal action of the department of a person’s driver’s license or privilege to operate a motor vehicle on the public highways;

41. “Right-of-way” means the privilege of the immediate use of the roadway;

42. “Road tractor” means every motor vehicle designed and sued for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

43. “Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular traffic, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways the term “roadway” as used herein refers to any such roadway separately but not to all such roadways collectively;

44. “Safety zone” or “island” means an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected at all times while set apart as a safety zone or island;

45. “School bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school. This definition shall not include buses normally used in City transit which may be used part-time for transportation of schoolchildren within the City during some portion of the day;

46. “Semitrailer” means every vehicle with or without motive power other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests or is carried by another vehicle;

47. “Shoulder” means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses;

48. “Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

49. “Solid tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

50. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;

51. “Stop”, when required, means complete cessation for movement;

52. “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 of the directions of a police officer or signal;

53. “Street” or “highway” means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other parkways or thoroughfares in this City, over which it has jurisdiction, which have been or may hereaft4er be dedicated and open to public use, or such other public property so designated in any law of this state;

54. “Suspension of driver’s license” means the temporary withdrawal by formal action of the department of a person’s driver’s license or privilege to operate a motor vehicle on the public highways;

55. “Taxicab” means a motor vehicle regularly engaged in the business of carrying passengers for hire and having a seating capacity of less than six (6) persons and not operated on a fixed route;

56. “Through street or highway” means every street or highway or portion thereof on which vehicle traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter;

57. “Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances, either single or together, while using any highway for purposes of travel;

58. “Traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop, proceed or proceed with caution;

59. “Traffic lane” means the portion of the traveled way for the movement of a single line of vehicles;

60. “Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

61. “Truck” means every motor vehicle designed, used or maintained primarily for the transportation of property;

62. “U-turn” means turning a vehicle around so as to proceed in the opposite direction;

63. “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 of a mile or more;

64. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; and

65. “Yield” means the yielding of the right-of-way to all vehicles or pedestrians approaching from the right or left intersecting street which are so close as to constitute an immediate hazard.

SECTION 15-103 SECURITY VERIFICATION FORM.

A. The owner of a motor vehicle registered in this state 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 Department of Public Safety and shall produce such form upon request for inspection by any law enforcement officer or representative of the Department of Public Safety, and, in the case of collision, the form shall be shown upon request to any person affected by such 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 of Public Safety during operation of the vehicle:

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 a business, corporation or utility on the exterior, and which is in compliance with provisions of Sections 7-600 through 7-607 of Title 47 of the Oklahoma Statutes, according to the records of the State Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the 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 vehicles 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;

3. “Security” means:

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 City’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 coverage thereon; or an equivalent form issued by the State 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 a request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1-119 of this code and court costs.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. 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 for such person was in force at the time of the alleged offenses shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, 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.

SECTION 15-104 VEHICLE OWNER NOT TO PERMIT OR AUTHORIZE VIOLATION OF LAW OR THIS CHAPTER.

It is unlawful for any person to authorize or knowingly permit a motor vehicle owned by him, or under his control, to be driven upon any street in the City by any person who is not authorized to drive a motor vehicle under the laws of this state, or to be driven or to stand or to be parked in violation of any provision of this chapter.

SECTION 15-105 PARENT OR GUARDIAN NOT TO AUTHORIZE OR PERMIT CHILD OR WARD TO VIOLATE CHAPTER.

It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly permit any such child or ward to violate any provision of this chapter.

SECTION 15-106 ADOPTION OF STATE VEHICLE LAWS.

There is hereby adopted and incorporated herein by reference the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the State “Rules of the Road”, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, and all other misdemeanor traffic and motor vehicle violations in Title 47 of the Oklahoma Statutes, as now exist and as may be from time to time amended. Such state laws as adopted herein by reference shall be fully enforceable by the City within the City limits as fully as if set out at length herein.

SECTION 15-107 JURISDICTION.

The provisions of this chapter shall apply and be enforced on all roads, streets and highways within the City and on all roads, streets and highways forming the boundary lines of the City.

**TRAFFIC AND VEHICLES**

CHAPTER 2

TRAFFIC-CONTROL DEVICES

Section 15-201 Authority to install traffic-control devices.

Section 15-202 Design and construction of traffic-control devices; manual of specifications.

Section 15-203 Traffic signs required for enforcement.

Section 15-204 Obedience to official traffic-control devices.

Section 15-205 Pedestrian-activated school crossing signals.

Section 15-206 Display of unauthorized signs or signals.

Section 15-207 Defacing or removing traffic-control devices.

Section 15-208 Designation of crosswalks and safety zones.

SECTION 15-201 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The Mayor, subject to direction of the Council, shall have placed and maintained traffic-control sighs, signals and devices when and as required under the traffic ordinances of this City to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic-control signs, signals, and devices as it may deem necessary to regulate traffic under the traffic ordinances of this City or under state law or to guide or warn traffic. The Mayor may have traffic-control devices tested under actual conditions of traffic.

SECTION 15-202 DESIGN AND CONSTRUCITON OF TRAFFIC-CONTROL DEVICES; MANUAL OF SPECIFICATIONS.

All traffic-control sign, signals and devices shall conform to the latest edition of the “Manual of Uniform Traffic Control Devices for Streets and Highways” as published by the Oklahoma Department of Transportation, All signs and Signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

SECTION 15-203 TRAFFIC SIGNS REQUIRED FOR ENFORCEMENT.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign was not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

SECTION 15-204 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a police officer, subject to the exceptions granted in this chapter to the driver of an authorized emergency vehicle.

SECTION 15-205 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 past such signal only with caution; and

b. Pedestrians shall not proceed in conflict with traffic, but may actuate 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 or “Stop” signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or past 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, or, if none, then before passing the signal or entering the intersection, and shall remain standing until flashing yellow is shown alone; and

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.

SECTION 15-206 DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS.

A. No person shall place, maintain or display upon or in view of any highway an 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, which attempts to direct the movement of traffic which projects any flashing or revolving beams of light, 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 sigh, signal or device bearing thereon any commercial or other advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

D. No sign or advertising shall be placed in a street right-of-way except official signs or devices placed by authority of this code or state law.

E. Every such prohibited sigh, signal, marking or device is declared to be unlawful and a public nuisance the City is empowered to remove the same without notice.

SECTION 15-207 DEFACING OR REMOVING TRAFFIC-CONTROL DEVICES.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, change the position of or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

SECTION 15-208 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

The Mayor, subject to direction by the Council, is authorized to:

1. Designate and have maintained by appropriate devices, marks or lines upon the surface of the roadway crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; and

2. Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

**TRAFFIC AND VEHICLES**

CHAPTER 3

EQUIPMENT

Section 15-301 Equipment required; use of equipment.

Section 15-302 Muffler required; cutouts.

Section 15-303 Width, height, length, weight and load, maximum load.

Section 15-304 Windshields to be unobstructed; wipers required.

Section 15-305 Inspection of vehicles; safety stickers.

Section 15-306 Vehicles to be registered; display of tags.

SECTION 15-301 EQUIPMENT REQUIRED; USE OF EQUIPMENT.

A. Every vehicle operated upon the streets of the City shall be equipped as required by Title 47 of the Oklahoma Statutes. No person shall operate a vehicle upon a street of the City which is not equipped as required by state law.

B. No person shall fail to use such equipment in the manner required by the state law, or use it in a manner prohibited by state law.

SECTION 15-302 MUFFLER REQURIED; CUTOUTS.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.

SECTION 15-303 WIDTH, HEIGHT, LENGTH, WEIGHT AND LOAD, MAXIMUM LOAD.

A. No person shall drive or convey through any street or bridge any vehicle the width, height, length, weight or load of which exceeds that authorized by state law, or which vehicle exceeds the width, height, length, weight or load limits established by the City, county or state as indicated by appropriate signs erected on the street, road or bridge.

B. The maximum load limit on all residential streets within the City is eight (8) tons.

SECTION 15-304 WINDSHIELDS TO BE UNOBSTRUCTED; WIPERS REQUIRED.

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver’s clear view of the street or highway or any intersecting street or highway.

B. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. Such device shall be so constructed as to be controlled or operated by the driver of the vehicle. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

SECTION 15-305 INSPECTION OF VEHICLES; SAFETY STICKERS.

A. Police officers shall have authority to inspect and test any vehicle upon the streets of the City at any time to determine whether it is safe, whether it is properly equipped, or whether its equipment is in proper adjustment and repair.

B. It is unlawful for any person to operate a motor vehicle on, over or along the streets of the City without a valid and current safety inspection sticker, as required by state law, in the lower left-hand corner of the windshield.

SECTION 15-306 VEHICLES TO BE REGISTERED; DISPLAY OF TAGS.

A. No person shall operate a vehicle of any kind upon a street of the City without a state vehicle license or tag as may be required by law.

B. No person shall fail to display the state vehicle license or tag as required by law or attach any trailer hitch or other device in a manner as to cover or partially cover the vehicle license.

**TRAFFIC AND VEHICLES**

CHAPTER 4

CERTAIN VEHICLES PROHIBITED

Section 15-401 Vehicles injurious to streets; metal tires prohibited.

Section 15-402 Obstructive and dangerous vehicles; covering of loads.

Section 15-403 Permit for vehicles with protruding parts on wheels.

Section 15-404 Deposit of glass, nails or other injurious matter in streets; responsibility to remove after accident.

Section 15-405 All Terrain Vehicles.

SECTION 15-401 VEHICLES INJURIOUS TO STREETS; METAL TIRES PROHIBITED.

No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street. Vehicles equipped with metal tires or lugs are specifically prohibited.

SECTION 15-402 OBSTRUCITVE AND DANGEROUS VEHICLES; COVERING OF LOADS.

A. 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 City and in accordance with the terms of such permit.

B. No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping there from, 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 such roadway.

C. No person shall operate on any street 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 materials susceptible to blowing or escaping by reason of wind shall have such load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

D. This section shall not apply to trucks loaded with livestock, poultry or agricultural products only, except baled agricultural products; however, any such trucks shall be so constructed or loaded as to prevent such livestock or poultry from escaping there from.

SECTION 15-403 PERMIT FOR VEHICLES WITH PROTRUDING PARTS ON WHEELS.

It is unlawful for any person to drive, pull or move, otherwise than by hauling, upon the paved streets of the City, any tractor or other vehicle with lugs, flanges or other protruding parts upon the surface of the wheels of the same, without first obtaining a written permit from the City engineer. Such permit shall not be granted unless all lugs, flanges or other protruding parts upon the surface of the wheels are first removed, or unless a base or board way is laid upon the paved street for the wheels of such vehicle to run upon so as to keep the wheels from coming in contact with the pavement and so as to entirely protect the pavement from the wheels.

SECTION 15-404 DEPOSIT OF GLASS, NAILS OR OTHER INJURIOUS MATTER IN STREETS; RESPONSIBILITY TO REMOVE AFTER ACCIDENT.

A. It shall be unlawful for any person to place, or cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass or other thing which is likely to injure persons or damage property, or to render a street unsafe for traffic.

Traffic and Vehicles

B. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

SECTION 15-405 ALL TERRAIN VEHICLES.

A. All Terrain Vehicles will not be allowed to drive on City streets at any time.

B. Golf Carts and Utility Task Vehicles (UTV) will be allowed, with a valid golf cart/UTV operating permit and decal, to be driven on City streets with the following requirements.

1. Applicants for golf cart/UTV operation must be persons 21 years of age or over with a valid Oklahoma driver’s license.

2. Application must be submitted, along with a valid Oklahoma driver’s license, to the City Clerk/Treasurer for approval by the Mayor and Police Chief prior to golf cart/UTV operation on City streets.

Each individual applicant who wishes to operate a golf cart/UTV shall submit an application to the City Clerk/Treasurer for approval by the Mayor and Police Chief prior to golf cart/UTV operation on City streets.

Upon application approval, golf cart/UTV operating fee shall be paid to the City Clerk/Treasurer prior to permit/decal issuance.

3. Golf cart/UTV operating permits must be renewed each year by January 31.

Renewal application must be submitted, along with a valid Oklahoma driver's license and renewal fee to the City Clerk/Treasurer for renewal permit/decal issuance.

4. Golf cart/UTV operating fee is hereby set at a cost of $25.00.

5. Golf cart/UTV operating decal is hereby set at a cost of $5.00.

6. Golf cart/UTV operational renewal fee, including decal, is hereby set at a cost of $15.00.

7. Valid golf cart/UTV operational permit decal must be displayed on golf cart/UTV at all times.

8. Valid golf cart/UTV operational permit must be available on your person to present to law enforcement if asked to do so.

9. Golf carts/UTVs shall only be in operation during daylight hours.

10. Golf carts/UTVs shall not be driven on state highways except to cross that state highway.

11. Golf carts/UTVs shall not cross a state highway where the speed limit is more than 35 mph.

C. Golf Cart/UTV operational permit may be revoked at any time by the Mayor or Police Chief if operation of golf cart/UTV is found to be inappropriate or otherwise and/or cause the health, safety and welfare of others to be in question.

D. Any individual or group found to be in violation of the above mentioned requirements, may be cited and subject to a fine of up to $250.00 plus costs.

E. Certain groups and or individuals are hereby exempt from these outlined requirements and shall not be required to adhere to the golf cart/UTV operational requirements.

1. Elmore City Police Department and officers (full time & reserve)

2. Elmore City Public Works Authority employees.

**TRAFFIC AND VEHICLES**

CHAPTER 5

DRIVING, OVERTAKING AND PASSING

Section 15-501 Driving on right side of roadway; exception.

Section 15-502 Passing vehicles proceeding in opposite direction.

Section 15-503 Passing vehicle on left.

Section 15-504 Passing vehicle on right.

Section 15-505 Passing requirements, duty of overtaken vehicle.

Section 15-506 Passing prohibited.

Section 15-507 Designation of no-passing zones.

Section 15-508 School buses; markings; passing regulations.

Section 15-509 Driving on laned roadways, marking traffic lanes.

Section 15-510 Driving on divided highways.

Section 15-511 Following too closely.

Section 15-512 Restricted-access roadways.

Section 15-513 Driving through service drives.

Section 15-514 Reckless driving.

Section 15-515 Careless or negligent driving.

Section 15-516 Driving over fire hose.

Section 15-517 Following fire or emergency apparatus.

Section 15-518 Procedure on approach of emergency vehicles.

Section 15-519 Actual physical control of vehicle while intoxicated.

Section 15-520 Driving under the influence of intoxicating liquor or drugs; driving while impaired; evidence; penalty.

Section 15-521 Driver’s license required.

Section 15-522 Driving while license suspended; use of false license.

Section 15-523 Permitting unlicensed person to drive.

Section 15-524 Driving through funeral processions.

Section 15-525 Driving in funeral processions.

Section 15-526 Identification of funeral processions.

Section 15-527 Use of roller skates, coasters, skateboards on roadway.

Section 15-528 Play streets authorized.

Section 15-529 Use of play streets by motor vehicles.

Section 15-530 Obstructing intersection or crosswalk.

Section 15-531 Driving on sidewalk prohibited.

Section 15-532 Driving in public parks restricted, driving without permission.

Section 15-533 Starting stopped or parked vehicles.

Section 15-534 Backing of vehicle.

Section 15-535 Opening and closing vehicle door.

Section 15-536 Obstructions to driver’s view; number in front seat.

Section 15-537 Clinging to vehicle.

Section 15-538 Boarding or alighting from moving vehicle.

Section 15-539 Riding outside vehicle compartment.

Section 15-540 Driving through safety zone.

Section 15-541 Child passenger restraint system or seat belt required; exceptions; Penalty.

Section 15-542 Seat belts required for front seat passengers; exceptions.

Section 15-543 Texting while Driving.

SECTION 15-501 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTION.

A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half 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 a designated and sign-posted for one-way traffic.

B. 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 when available to 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.

SECTION 15-502 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the traveled portion of the roadway as nearly as possible.

SECTION 15-503 PASSING VEHICLE ON LEFT.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

1. 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 roadway until safely clear of the overtaken vehicle; and

2. Except when overtaking and passing on the right if 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 15-504 PASSING VEHICLE ON RIGHT.

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 and has so properly signaled for a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked with lines for two (2) or more lanes of traffic in each direction; and

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) more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right 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 15-505 PASSING REQUIREMENTS, DUTY OF OVERTAKEN VEHICLE.

A. No vehicle shall be driven to the left side of the center of the 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 such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must return to the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. Except as provided elsewhere in this chapter, 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 roadway until safely clear of the overtaken vehicle.

C. Every driver who intends to pass another vehicle proceeding in the same direction, which requires movement of his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

D. 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 o this vehicle until completely passed by the overtaking vehicle.

SECTION 15-506 PASSING PROHIBITED.

A. No vehicle shall at any time 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 highway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When traversing an intersection or railroad grade crossing; or

3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

B. It is a violation to pass on the left by going to the left of the center of the roadway across a double-marked center line for the purpose of passing a vehicle traveling in the same direction.

C. This section shall not apply upon a one-way roadway.

SECTION 15-507 DESIGNATION OF NO-PASSING ZONES.

A. The Oklahoma Department of Transportation as regards state and federal highways, and the Mayor, subject to direction of the Council, as regards all other streets, are authorized to determine those portions of a highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway have the beginning and end of such zones indicated. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone through its length.

SECTION 15-508 SCHOOL BUSES; MARKINGS; PASSING REGULATIONS.

A. The driver of a vehicle upon any street or highway in the City upon meeting or overtaking from either direction any school bus on which the red loading signals are in operation and which has stopped for the purpose of receiving or discharging any schoolchildren and other occupants shall stop the vehicle before it reaches the school bus. The driver may then proceed to pass such school bus at a speed which is reasonable and prudent and with due caution for the safety of such schoolchildren and other occupants after the loading signals are deactivated.

B. Every school bus used for the transportation of schoolchildren shall bear upon the front and rear thereof plainly visible signs containing the words, “School Bus” in letters not less than eight (8) inches in height and, in addition, shall be equipped with visual signs meeting the requirements of state law which shall be actuated by the driver of the school bus whenever, but only whenever, such vehicle is stopped on a street or highway for the purpose of receiving or discharging schoolchildren.

C. The driver of a vehicle upon a street or highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such street or highway and where pedestrians are not permitted to cross the roadway.

SECTION 15-509 DRIVING ON LANED ROADWAYS, MARKING TRAFFIC LANES.

A. The Mayor, subject to direction of the Council, is authorized to have traffic lanes marked upon the roadway or any street where a regular alignment of traffic necessary.

B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver ahs first ascertained that such movement can be made with safety and ahs properly signaled his intentions to do so;

2. Upon a roadway which is 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 sign posted to give notice of such allocation; and

3. Official signs may be erected directing slow-moving traffic to sue a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

C. Where traffic lanes have been marked, no operator of any vehicle shall fail or refuse to keep the vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making lawful turning movement or otherwise authorized by ordinance.

SECTION 15-510 DRIVING ON DIVIDED HIGHWAYS.

Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated divided section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway. No vehicle shall be driven over, across or within any such dividing space barrier or section, except through an opening in such physical barrier, dividing section or space or at a crossover or intersection established by public authority.

SECTION 15-511 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and the condition of the highway. Such driver following too closely shall be deemed negligent.

SECTION 15-512 RESTRICTED-ACCESS ROADWAYS.

No person shall drive a vehicle onto or form any controlled-access roadway except at such entrances and exits as are established by public authority.

SECTION 15-513 DRIVING THROUGH SERVICE DRIVES.

No vehicle shall be driven through any service drive or parking area except for the purpose of attaining service or merchandise or for the purpose of parking thereon.

SECTION 15-514 RECKLESS DRIVING.

It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property.

SECTION 15-515 CARELESS OR NEGLIGENT DRIVING.

A. No person shall drive, use, operate, park cause to be parked or stop any vehicle;

1. In a careless manner;

2. In a negligent manner

3. In such a manner as to endanger life, limb, person or property; or

4. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

B. Every driver shall remain alert and give full attention to the safe control and operation of his vehicle while it is in motion. Every driver of a motor vehicle shall, upon stopping, or upon stopping and leaving the vehicle, park the same in a careful and prudent manner and place so as not to interfere with the operation of other vehicles or with pedestrians or other traffic. Failure to comply with these requirements shall be deemed careless driving in violation of this section.

C. Any driver who engages in any activity or does any act while driving that interferes with the safe operation and control of his vehicle, or who continue to operate his vehicle when any other person riding thereon or therein engages in any activity or does any act which interferes with his operation thereof, is guilty of careless driving.

D. A driver of a motor vehicle who collides with another vehicle or with any person or property because of driving error or inattention is guilty of careless driving.

SECTION 15-516 DRIVING OVER FIRE HOSE.

Whenever any hose of the fire department is laid upon any street, avenue, alley, bridge or vacant lot in the City, no person shall drive any automobile, truck, locomotive, railroad car or any other vehicle over the same unless the hose shall have been protected by wooden railings or other device laid along the side thereof, and then only at the places so protected unless otherwise directed by a City official.

SECTION 15-517 FOLLOWING FIRE OR EMERGENCY APPARATUS.

The driver of any vehicle other than on official business shall not follow any emergency or fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where emergency apparatus has stopped in answer to a fire alarm.

SECTION 15-518 PROCEDURE ON APPROACH OF 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.

SECTION 15-519 ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED.

No person who is under the influence of alcoholic beverage, nonintoxicating beverage or drug, as defined in this code and in Section 15-519, shall be in actual physical control of any motor vehicle with the City.

SECTION 15-520 DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; DRIVING WHILE IMPAIRED; EVIDENCE; PENALTY.

A. No person who is:

1. Under the influence of a alcoholic beverage or non-intoxicating beverage;

2. Under the combined influence of alcohol or any other intoxicating substance as provided in paragraph 3; or

3. Under the influence of any other intoxicating substance to a degree which renders such person incapable of safely driving or operating a motor vehicle shall drive or operate a motor vehicle in the City.

B. No person shall drive or operate a motor vehicle while his ability to operate the motor vehicle is impaired by the consumption of alcoholic beverage or nonintoxicating beverage within the City.

C. No person who is an habitual use of or under the influence of any narcotic drug barbiturate, amphetamine or marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, shall operate a motor vehicle within the City. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to sue such narcotic drug, barbiturate, amphetamine, marijuana or other drug shall not constitute a defense against any charge of violating this subsection.

D. As used in this section, “other intoxicating substance” or “drug” means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and I s capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor or functions.

E. 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 intoxicating liquor, evidence of the amount of alcohol or intoxicating liquor in the person’s blood as shown by a chemical analysis of his blood or breath is admissible. For the purpose of this section:

1. Evidence that there was five-hundredths of one percent (.05 of 1%) but less than the-hundredths of one percent (.10 of 1%) or less by weight of alcohol in his blood is prima facie evidence that the person was not under the influence of alcohol or intoxicating liquor;

2. Evidence that there was more than five-hundredths of one percent (.05 of 1%) but less than ten-hundredths of one percent (.10 of 1%) by weight of alcohol in the person’s blood is relevant evidence of operating a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or intoxicating liquor. No person shall be convicted of the offense of operating a motor vehicle while his ability to operate such vehicle is impaired by consumption of alcohol or intoxicating liquor solely because there was more than five-hundredths of one percent (.05 of 1%) by weight of alcohol in the person’s blood in the absence of additional evidence that such person’s driving was affected by the consumption of alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle;

3. Evidence that there was ten-hundredths of one percent (.10 of 1%) or more by weight of alcohol in his blood shall be admitted as prima facie evidence that the person was under the influence of alcohol or intoxicating liquor.;

4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood; and

5. To be admissible, such evidence must first be qualified by establishing that such specimen was obtained from the subject within not more than two (2) hours of the arrest of the subject.

F. Every person who is convicted of a violation of this section for operating a motor vehicle under the influence of alcohol or intoxicating liquor shall be punished as provided in Section 1-108 of this code.

SECTION 15-521 DRIVER’S LICENSE REQUIRED.

No person shall drive or operate any motor vehicle on any public roadway within the City unless such person has a current, not suspended or revoked, valid driver’s or chauffeur’s license as required by state law.

SECTION 15-522 DRIVING WHILE LICENSE SUSPENDED; USE OF FALSE LICENSE

A. No person shall:

1. Display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, photo static or fraudulently altered operator’s or chauffeur’s license;

2. Lend his operator’s or chauffeur’s license to any person or knowingly permit the use thereof by another;

3. Display or represent as how own any operator’s chauffeur’s license not issued to him; or

4. Permit any unlawful use of an operator’s or chauffeur’s license issued to him.

B. No person shall drive a motor vehicle on any public street within the City at a time when his privilege to do so is cancelled, suspended or revoked.

SECTION 15-523 PERMITTING UNLICENSED PERSON TO DRIVE.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street in the City by any person who is not autoriz4ed or licensed to drive a motor vehicle under the laws of the state or under the laws of the state of the driver’s residence of record.

SECTION 15-524 DRIVING THROUGH FUNERAL PROCESSIONS.

A. 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.

B. This section shall not apply at intersections where traffic is controlled by police officers.

SECTION 15-525 DRIVING IN FUNERAL PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable except when otherwise directed or escorted by a police officer. Each driver shall follow the vehicle ahead as closely as is practicable and safe and at a speed as designated by the escort for the procession.

SECTION 15-526 IDENTIFCATION OF FUNERAL PROCESSIONS.

A funeral composed of a procession of vehicles shall be identified by headlights turned on or by the display upon the outside of each vehicle an identifying insignia or by such other method as may be determined and designated by the police department.

SECTION 15-527 USE OF ROLLER SKATES, COASTERS, SKATE BOARDS ON ROADWAY.

No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway except while crossing a street in a crosswalk. While so crossing, such person shall be granted all of the rights and 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 authorized by ordinance.

SECTION 15-528 PLAY STREETS AUTHORIZED.

The Mayor, subject to direction by the Council, if any, shall have authority to declare any street or part thereof a play street and have placed appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 15-529 USE OF PLAY STREETS BY MOTOR VEHICLES.

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 such drivers shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 15-530 OBSTRUCTING INTERSECTION OR CROSSWALK.

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 vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

SECTION 15-531 DRIVING ON SIDEWALK PROHIBITED.

The driver of a vehicle shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

SECTION 15-532 DRIVING IN PUBLIC PARKS RESTRICTED, DRIVING ON PROPERTY WITHOUT PERMISSION.

A. No person shall drive, operate or propel a motor vehicle or motor-driven cycle, including a motor scooter or motor-driven bicycle, in any park public property or right of way or easement, within or owned by the City, except upon established roadways or roadways designed for vehicular traffic. A vehicle may be driven a reasonable distance from the roadway for the purpose of going to and from a parking place.

B. No person shall drive, operate or propel a motor vehicle or motor-driven cycle past any barrier, sign or other device indicating that vehicular traffic is prohibited in, upon or through any area upon which vehicular traffic is prohibited.

C. No person shall drive a motor vehicle of any size on any private property unless the operator has obtained the permission of the owner of the private property.

D. Emergency vehicles are exempt from the provisions of this section.

SECTION 15-533 STARTING STOPPED OR PARKED VEHICLES.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

SECTION 15-534 BACKING OF VEHICLE.

The driver of a vehicle shall not back the same unless such movement can be made without interfering with other traffic. When a vehicle is backed more than thirty (30) feet, such movement shall be deemed unsafe.

SECTION 15-535 OPENING AND CLOSING VEHICLE DOOR.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonable safe to do so. No person shall leave a door open on the side of a motor vehicle available to moving traffic to load or unload passengers.

SECTION 15-536 OBSTRUCTIONS TO DRIVER’S VIEW; NUMBER IN FRONT SEAT.

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 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 15-537 CLINGING TO VEHICLE.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

SECTION 15-538 BOARDING OR ALIGHTING FROM MOVING VEHICLE.

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-539 RIDING OUTSIDE VEHICLE COMPARTMENT.

No person shall ride on any vehicle upon any portion thereof not designed or intended for use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-540 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island.

SECTION 15-541 CHILD PASSENGER RESTRAINT SYSTEM OR SEAT BELT REQUIRED; EXCEPTIONS; PENALTY.

A. As used in this section, “child passenger restraint system” means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

B. Every driver when transporting a child under four (4) years of age in a motor vehicle operated in this City shall properly secure the child in a child passenger restraint or in a seat belt in the rear of the motor vehicle. Children four (4) and five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. This section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to City ordinance, state statute, or federal law;

2. The driver of an ambulance or emergency vehicle; or

3. A driver of a vehicle if all of the seat belts in the vehicle are in use; and

4. The transportation of children who for medical reasons are unable to be placed in such devices.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral or written 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.

E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages. In 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 section shall not be used in aggravation or mitigation of damages.

F. Any person convicted of violating this section shall be punished by a fine of $20.00, or the maximum amount allowed by state law, whichever is greater, and shall pay court costs. The fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.

SECTION 15-542 SEAT BELTS REQUIRED FOR FRONT SEAT PASSENGERS; EXCEPTIONS.

A. Every operator and front seat passenger of a passenger car operated in this City 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 not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to state law, Section 1134 of Title 47 of the Oklahoma Statutes.

B. This section 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 reasons of such failure to wear a safety belt system.

C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U. S. Postal Service.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral or written warning to the driver.

E. Any person convicted of violating this section shall be punished by a fine of Twenty Dollars ($20.00), or the maximum amount allowed by state law, whichever is greater, and shall not pay court costs.

Section 15-543 Texting while Driving

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway 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.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00), excluding costs, fees and assessments.

C. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

D. The provisions of subsection A 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.

E: 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-message instant message, electronic message, photo, video or electronic mail.

**TRAFFIC AND VEHICLES**

CHAPTER 6

STOPPING, STANDING AND PARKING

ARTICLE A

PARKING REGULATIONS

Section 15-601 Stopping, standing or parking prohibited in certain places.

Section 15-602 Handicapped parking restrictions.

Section 15-603 Parking not to obstruct traffic or signs.

Section 15-604 Parking for certain purposes prohibited.

Section 15-605 Removing enforcement marking.

Section 15-606 Standing or parking on left side of roadway.

Section 15-607 Parking on private property; impounding of vehicle.

Section 15-608 Driving or parking on commercial business property restricted, signs.

Section 15-609 Parking more than twenty-four (24) hours.

Section 15-610 Unattended vehicles.

Section 15-611 Authority to restrict parking time.

Section 15-612 Parking in private parking spaces without permission of owner.

Section 15-613 Prohibiting parking within fire lanes on certain private property.

Section 15-614 Limiting parking to authorized emergency vehicles.

Section 15-615 Presumption in prosecutions for standing or parking violations.

ARTICLE B

MANNER OF PARKING

Section 15-620 Distance from curb.

Section 15-621 Brakes to be set; motor not to be running; securing animals.

Section 15-622 Angle parking.

Section 15- 623 Parking within marked spaces.

Section 15-624 Parking to be such as to leave ten (10) feet or roadway available for traffic.

Section 15-625 Double parking prohibited.

**TRAFFIC AND VEHICLES**

ARTICLE A

PARKING REGULATIONS

SECTION 15-601 STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES.

A. No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;

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 except in a parking space officially marked;

Traffic and Vehicles

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 the City indicates the different length 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 or, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance when properly signposted;

11. Alongside or opposite any street excavation or obstruction 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 underpass; and

14. At any place where official signs prohibit stopping, standing or parking;

15. At any other place prohibited by this code or law.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is lawful.

C. No person shall park any vehicle in front of any show, theater, or place of amusement during any performance or entertainment therein, or while patrons are in such place either before the commencement or after the close of any performance. The police or fire chief shall plainly indicate such no parking spaces by appropriate signs or markings.

SECTION 15-602 HANDICAPPED PARKING RESTRICTIONS.

No person shall be permitted to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such vehicle is eligible for a detachable insignia of a physically disabled person issued by the State Department of Public Safety as provided for in Section 15-1122 of Title 47 of the Oklahoma Statutes, as amended, and such insignia is displayed as provided in accordance with state law or regulations adopted pursuant thereto. The provisions of this section shall apply to any such designated and posted reserved area on public property or private property accessible to the public and where the public is invited. Any person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code, subject to the maximum penalty allowed by state law. In addition thereto, any person so convicted shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any motor vehicle unlawfully parked hereunder removed from the property and stored.

SECTION 15-603 PARKING NOT TO OBSTRUCT TRAFFIC OR SIGNS.

A. No person shall park a vehicle within a street or alley in such a manner or under such conditions as to prohibit the free movement of authorized emergency vehicles or vehicular traffic.

B. No person shall stoop, stand or park a vehicle within a street or alley in such a position as to block the driveway entrance to any abutting property.

C. No person shall at any time stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, in compliance with the directions of a police officer or traffic-control device or in case of emergency within any alley except for the purpose of and while actually engaged in loading or unloading merchandise, with the maximum time permitted for loading or unloading being one hour; however, such vehicle must be headed in the proper direction in the alley and it must be parked on the right half of one way alleys.

D. Any vehicle parked upon the public streets or right-of-way shall be parked so as not to obstruct the view of any flashing beacon, stop sign or traffic-control signal by oncoming traffic.

SECTION 15-604 PARKING FOR CERAIN PURPOSES PROHIBITED.

No person shall park his vehicle upon any street or highway for the principal purpose of:

1. Displaying the vehicle for sale;

2. Displaying advertising or displaying merchandise;

3. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency; and

4. Selling merchandise or any other thing from vehicles without appropriate permit or license from the City.

SECTION 15-605 REMOVING ENFORCEMENT MARKING.

No person, with intent to extend the time during which a motor vehicle can be parked at a time-restricted parking space, shall remove, erase, obliterate, smudge or otherwise delete or disfigure any chalk or any other mark symbol used by authorized employees of the City in connection with the enforcement of motor vehicle parking restrictions.

SECTION 15-606 STANDING OR PARKING ON LEFT SIDE OF ROADWAY.

A. The Mayor, subject to direction of the Council, may determine when standing or parking may be permitted upon the left-hand side of any one-way roadway and to have signs or marks place giving notice thereof.

B. In the event 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 such one-way roadway unless signs or marks are placed to permit such standing or parking.

SECTION 15-607 PARKING ON PRIVATE PROPERTY; IMPOUNDING OR VEHICLE.

A. No person shall park a vehicle on the private property of another without the consent of the owner of the property, his agent or tenant.

B. Any unoccupied vehicle parked in violation of this section may, upon complaint of the property owner, his agent or tenant, be removed and impounded by the police; and the vehicle owner must pay removal, storage and impounding fees.

SECTION 15-608 DRIVING OR PARKING ON COMMERCIAL BUSINESS PROPERTY RESTRICTED, SIGNS.

A. It is unlawful for any person to drive or park a motor vehicle onto the driveway, parking area or any portion of the premises of any business or commercial property if signs are posted.

B. This section shall be enforced as to all private property where a sign shall have been posted in a clearly visible location stating substantially as follows: “PRIVATE PROPERTY. NO PARKING OR TRESPASSING.”

SECTION 15-609 PARKING MORE THAN TWENTY-FOUR (24) HOURS.

No person shall park a vehicle on any street for a period of time longer than twenty-four (24) hours.

SECTION 15-610 UNATTENDED VEHICLES.

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the street.

SECTION 15-611 AUTHORITY TO RESTRICT PARKING TIME.

A. The City Council, by resolution, may establish parking time limits, or prohibit parking, on designated streets by having appropriate signs placed thereon.

B. When such signs are in place, no person shall park a vehicle in violation thereof.

SECTION 15-612 PARKING IN PRIVATE PARKING SPACES WITHOUT PERMISSION OF OWNER.

A. The parking, leaving or keeping of vehicles, either with or without occupants, upon real property owned or leased for use of hotels or business establishments as private parking places, without permission of the owner or lessee, as the case may be, is hereby prohibited.

B. Any vehicle parked or left in violation of subsection A shall, upon the complaint of the owner or lessee of the property, be removed from the premises by the police or on the order of any police officer, at the expense of the owner of the vehicle. Such removal may be accomplished by the police department or by a police department order directing any person operating a towing service to pull the vehicle to his garage or place of business, where it shall be held in the custody of the police department until the towing charges and the fine and costs, if any, are paid.

SECTION 15-613 PROHIBITING PARKING WITHIN FIRE LANES ON CERTAIN PRIVATE PROPERTY.

The Mayor, or his authorized representative, when the public safety shall require, is authorized and directed to prohibit parking upon private property used for shopping centers, schools, hospitals, nursing homes, restaurants and places of public entertainment within zones to be clearly designated and defined by appropriate sign, when the same is necessary for the establishment of fire lanes to avoid obstruction of free passage and access. No person shall stop, stand or park a vehicle, except an authorized emergency vehicle, within such prohibited fire lanes, except on direction and by authority of a police officer.

SECTION 15-614 LIMITING PARKING TO AUTHORIZED EMERGENCY VEHICLES.

The Mayor, subject to any directions which the City Council may give, is authorized to designate streets or portions thereof where parking is limited to authorized emergency vehicles. When signs are in place giving notice of such limitation, it shall be unlawful for any person to park any vehicle, except an authorized emergency vehicle, upon any such street or portion thereof.

SECTION 15-615 PRESUMPTION IN PROSECUTIONS FOR STANDING OR PARKING VIOLATIONS.

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 such law or regulation, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner or such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**TRAFFIC AND VEHICLES**

ARTICLE B

MANNER OF PARKING

SECTION 15-620 DISTANCE FROM THE CURB.

Except as otherwise provided in this section, every vehicle stopped or parked upon roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb. Every vehicle stopped and 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.

SECTION 15-621 BRAKES TO BE SET; MOTOR NOT TO BE RUNNING; SECURING ANIMALS.

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. Animals left or parked on the streets shall be securely hitched.

SECTION 15-622 ANGLE PARKING.

A. The Mayor, subject to direction of the Council, may determine upon what streets and parts of streets angle parking will be permitted and authority shall continue until changed permitting angle parking on any such street or part of street and the angle parking markings or signs are amended.

B. 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 indicated by such signs or markings.

C. Angle parking is not permitted on any state or federal-aid highway unless the state department of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

SECTION 15-623 PARKING WITHIN MARKED SPACES.

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 delineating a space.

SECTION 15-624 PARKING TO BE SUCH AS TO LEAVE TEN (10) FEET OF ROADWAY AVAILABLE FOR TRAFFIC.

No person shall park a vehicle upon 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 roadway for the free movement of vehicular traffic.

SECTION 15-625 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the City limits except in compliance with the direction 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 cats 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. Such double parking shall be permitted only so long as both traffic lanes are not blocked.

**TRAFFIC AND VEHICLES**

CHAPTER 7

SPEED REGULATIONS

Section 15-701 Speed limits.

Section 15-702 Minimum speed.

SECTION 15-701 SPEED LIMITS.

A. Notwithstanding a maximum speed limit enumerated in this code, no person shall drive a vehicle upon any alley, highway, roadway, street or public parking area at a speed greater than or less than is reasonable or prudent under the conditions then existing, considering visibility, amount of traffic, condition of roadway surface, presence of pedestrians, obstruction of view and other similar facts.

B. No person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

C. Except when a special hazard exists that requires lower speed for compliance with Subsection A of this section, the limits specified in this chapter or established as authorized shall be maximum lawful speeds. No person shall drive a vehicle on a highway at a speed in excess of such maximum limits as follows:

1. Twenty-five (25) miles per hour on any street in a residential district, except as may be posted otherwise and except on state or federal highways; and

2. Miles per hour as posted in school zones when school is in session.

D. The Mayor has authority to post lower speed limits than those prescribed in this chapter where special hazards exist.

E. The fact that the speed of a vehicle is lower than the designated limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow winding roadway, or when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle or on entering the roadway in compliance with legal requirement and the duty of all persons to use due care and precaution.

SECTION 15-702 MINIMUM SPEED.

It is unlawful for any person to drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation. Police officers are hereby authorized to enforce this provision by directions to drivers and in the event of willful disobedience to this provision or refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be unlawful and constitute a blocking of traffic and a violation of this section.

**TRAFFIC AND VEHICLES**

CHAPTER 8

RIGHT-OF-WAY

Section 15-801 Right-of-way at intersections.

Section 15-802 Right-of-way at intersections, vehicles arriving at same time.

Section 15-803 Left turn at intersection.

Section 15-804 Designation of through streets.

Section 15-805 Signs at through streets.

Section 15-806 Determination of stop and yield intersections.

Section 15-807 Vehicles entering stop intersections.

Section 15-808 Vehicle entering yield intersection.

Section 15-809 School zones and crosswalks.

Section 15-810 Emerging from alley or driveway.

Section 15-811 Obstructing intersection or crosswalk.

SECTION 15-801 RIGHT-OF-WAY AT INTERSECTIONS.

A. The driver of a 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. When two (2) vehicles enter or approach an 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.

C. The right-of-way rules declared in Subsections A and B are modified at through highways and otherwise as stated in this chapter.

D. The driver of a vehicle approaching a “T” intersection, traveling down the base of the “T” intersection approaching a dead end must yield the right-of-way to all traffic.

SECTION 15-802 RIGHT-OF-WAY AT INTERSECTIONS, VEHICLE ARRIVING AT SAME TIME.

A. Where two (2) or more vehicles face stop, slow, warning or caution signs or signals on two (2) or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way.

B. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; provided that the driver of a 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.

Traffic and Vehicles

C. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution, shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way.

SECTION 15-803 LEFT TURN AT INTERSECTION.

The driver of a vehicle within an intersection intending to turn to the left shall give a signal and 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. However, the driver, having so yielded and having given a signal when and as required by this chapter may make such 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.

SECTION 15-804 DESIGNATION OF THROUGH STREETS.

The Mayor, subject to direction of the Council, may designate any street or part of street as a through street.

SECTION 15-805 SIGNS AT THROUGH STREETS.

Whenever the Mayor designates and describes a through street, the Mayor shall have placed and maintained a stop sign, or if deemed more appropriate at any intersection a yield sign, on each and every street intersection such 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 Mayor if deemed desirable.

SECTION 15-806 DETERMINATION OF STOP AND YIELD INTERSECTIONS.

A. The Mayor, subject to direction by the Council, is authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Section 15-807, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

C. Every stop sign shall bear the word “Stop” in letters not less than eight (8) inches in height. Every yield sign shall bear the word “Yield” in letters not less than seven (7) inches in height. Every stop sign and every yield sign shall, at nighttime, be rendered luminous by internal illumination, or by a flood light project on the face of the sign, or by efficient reflecting elements in the face of the sign.

SECTION 15-807 VEHICLES ENTERING STOP INTERSECITONS.

A. Except when directed to proceed 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, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, bit, if none, then at the point nearest the intersecting roadway where the driver ahs a view of approaching traffic on the intersecting roadway before entering the intersection.

B. Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard. The driver having so yielded may proceed only when it is prudent and apparently safe to do so.

SECTION 15-808 VEHICLE ENTERING YIELD INTERSECTION.

A. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary and 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 highway so closely as to constitute and immediate hazard, If such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield the right-or-way.

B. The driver of a vehicle approaching a yield sign, is required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway.

SECTION 15-809 SCHOOL ZONES AND CROSSWALKS.

A. The Mayor, subject to direction by the Council, is authorized to erect signs to designate school zones, and school zone crosswalks.

B. No person may drive a vehicle past a school sign or through a school zone at a speed greater than that posted per hour posted on school days. Drivers proceeding in a school zone shall stop and yield the right-of-way to pedestrians in school zone crosswalks when so directed by a school safety patrol member or when such crosswalk is occupied by pedestrians between the hours posted on school days.

C. Any driver involved in a school zone crosswalk collision with a pedestrian after failing to slow and yield the right-of-way to such pedestrian shall be deemed prima facie in violation of this section.

SECTION 15-810 EMERGING FROM ALLEY OR DRIVEWAY.

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 alleyway 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.

SECTION 15-811 OBSTRUCTING INTERSECTION OR CROSSWALK.

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 vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

**TRAFFIC AND VEHICLES**

CHAPTER 9

TURNING MOVEMENTS

Section 15-901 Method of turning generally and at intersections.

Section 15-902 Authority to place turning markers.

Section 15-903 Authority to restrict turning; obedience required.

Section 15-904 Limitations on turns, U-turns.

Section 15-905 Turning or stopping movements; signals required.

Section 15-906 Signals; method required.

Section 15-907 Method of giving hand signals.

SECTION 15-901 METHOD OF TURNING GENERALLY AND AT INTERSECTIONS.

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and 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 roadway. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection; and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line 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; and

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 such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

B. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this section, 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.

SECTION 15-902 AUTHORITY TO PLACE TURNING MARKERS.

A. The Mayor, subject to direction by the Council, is authorized to have placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. Such course to be traveled shall be indicated.

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 15-903 AUTHORITY TO RESTRICT TURNING; OBEDIENCE REQURIED.

A. The Mayor, subject to direction by the Council, may determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours.

B. Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 15-904 LIMITATIONS ON TURNING, U-TURNS.

A. Except as hereinafter provided, no person shall operate a vehicle so as to turn more than ninety degrees (90) on any street or highway.

B. Persons excepted are those who can safely execute that turn if at an intersection, but it is unlawful for the driver of a vehicle to make such a turn at any intersection:

1. Where traffic-control signals are installed;

2. Where a police officer is directing traffic except at the latter’s directions; or

3. Where an official no U-turn sign has been placed and is maintained.

SECTION 15-905 TURNING OR STOPPING MOVEMENTS; SIGNALS REQUIRED.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by ordinance, 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, 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 turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

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 such signal.

SECTION 15-906 SIGNALS; METHOD REQUIRED.

A. Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection B.

B. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

SECTION 15-907 METHOD OF GIVNG HAND SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner:

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.

**TRAFFIC AND VEHICLES**

CHAPTER 10

ONE-WAY STREETS AND ALLEYS

Section 15-1001 Authority to designate one-way streets.

Section 15-1002 One-way streets; direction of traffic.

Section 15-1003 Rotary traffic islands.

SECTION 15-1001 AUTHORITY TO DESIGNATE ONE-WAY STREETS.

The City Council, by resolution, may designate any street or alley or part thereof as a one-way street or alley. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited

SECTION 15-1002 ONE-WAY STREETS; DIRECTION OF TRAFFIC.

Upon those streets and parts of streets in those alleys and parts of alleys designated as one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 15-1003 ROTARY TRAFFIC ISLANDS.

A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

**TRAFFIC AND VEHICLES**

CHAPTER 11

TRUCK ROUTES AND PARKING

Section 15-1101 Truck routes.

SECTION 15-1101 TRUCK ROUTES.

A. The Council, by motion or resolution, may prescribe routes through the City for the use of trucks in general or trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles passing through the City. The City shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes.

B. The Council, by motion or resolution, may prescribe certain streets and roads in the City for restricted travel and limit any truck having more than two (2) axles from travel on certain designated roads and streets. Council will allow trucks with no trailer to park on any City street. Restrictions shall not apply to trucks making local deliveries or picking up materials or merchandise on the street so restricted, nor will it apply to agricultural equipment or vehicles using the roads for agricultural purpose.

C. When such signs are so erected and in place as provided in Subsection A hereof, the driver of a truck or other vehicle for which a route has been prescribed as provided herein, while passing through the City, shall keep on such route and shall not deviate there from except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the City and not merely through the City. When signs are erected and in place restricting trucks with two (2) or more axles as provided in Subsection B hereof, no driver of such vehicle shall drive on the street so designated.

D. The City Clerk/Treasurer shall keep and maintain accurate maps setting out the truck routes designated by the City.

**TRAFFIC AND VEHICLES**

CHAPTER 12

LOADING ZONES

Section 15-1201 Authority to designate curb loading zones.

Section 15-1202 Parking or standing in passenger loading zone restricted.

Section 15-1203 Standing or parking in freight loading zones.

Section 15-1204 Permit to back to curb for loading or unloading.

SECTION 15-1201 AUTHORITY TO DESIGNATE CURB LOADING ZONES.

The Mayor, subject to direction of the Council, may determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

SECTION 15-1202 PARKING OR STANDING IN PASSENGER LOADING ZONE RESTRICTED.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for period not to exceed three (3) minutes.

SECTION 15-1203 STANDING OR PARKING IN FREIGHT LOADING ZONES.

A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed thirty (30) minutes.

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 motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

SECTION 15-1204 PERMIT TO BACK TO CURB FOR LOADING OR UNLOADING.

A. The Mayor 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 traffic engineer 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 permit issued under this section.

**TRAFFIC AND VEHICLES**

CHAPTER 13

PUBLIC CARRIER STOPS

(RESERVED)

**TRAFFIC AND VEHICLES**

CHAPTER 14

ACCIDENTS

Section 15-1401 Accidents involving death or personal injury.

Section 15-1402 Accidents involving damage to property

Section 15-1403 Duty to give information and render aid.

Section 15-1404 Duty upon striking unattended vehicle.

Section 15-1405 Duty upon striking fixtures upon a highway.

Section 15-1406 Immediate notice of accident.

Section 15-1407 When driver unable to report.

SECTION 15-1401 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY.

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 such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 15-1403 of this code.

SECTION 15-1402 ACCIDENTS INVOLVING DAMAGE TO PROPERTY.

A. The driver of any vehicle involved in an accident resulting only in apparent damage to property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible. The driver shall remain at the scene of such accident until he has fulfilled the requirements of Section 15-1403 of this code. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with the requirements under such circumstances shall be guilty of a misdemeanor.

B. If the damage resulting from such accident is to the property of the driver only, with no damage to the person or property of another, the driver need not stop at the scene of the accident but shall make report of the damage resulting.

SECTION 15-1403 DUTY TO GIVE INFORMATION AND RENDER AID.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator’s or chauffeur’s license and his security verification form, as defined in this code, 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, or the making of arrangements for the carrying, of such 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.

SECTION 15-1404 DUTY UPON STRIKING UNATTENDED VEHICLE.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide the operator or owner with information from his security verification form, as defined in this code, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by this code, and a statement of the circumstances thereof.

SECTION 15-1405 DUTY UPON STRIKING FIXTURES UPON A HIGHWAY.

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator’s or chauffeur’s license and his security verification form, as defined in this code, and shall make report of such accident when and as required in Section 15-1407 of this code.

SECTION 15-1406 IMMEDIATE NOTICE OF ACCIDENT.

The driver of a vehicle involved in any accident shall immediately, by the quickest means of communication, give notice of such accident to the police department, on forms provided by the police department, after complying with the requirements of Section 15-1403 of this code. A report shall be made on forms provided by the department. Where personal injury or death occurs, the driver or drivers of the vehicles shall remain at the scene of the accident until police officers arrive, except in cases of personal injury requiring immediate attention.

SECTION 15-1407 WHEN DRIVER UNABLE TO REPORT.

A. An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.

B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 15-1406 of this code and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

**TRAFFIC AND VEHICLES**

CHAPTER 15

MOTORCYCLES

Section 15-1501 Operation of motorcycle.

Section 15-1502 Equipment required.

Section 15-1503 Headgear required.

Section 15-1504 License required.

SECTION 15-1501 OPERATION OF MOTORCYCLE.

A. No person shall operate a motorcycle or motor-driven cycle, including a motor scooter or motor-driven bicycle, on a street in this City during a time when state law prohibits the operation of such vehicle.

B. No driver of a three-wheel motor vehicle or motor driven bicycle shall carry any other person on, upon or within such vehicle on any street in the City, except as hereinafter provided. If any two –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 side car attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof.

C. No motorcycle or motor scooter shall be ridden upon any sidewalk.

D. Handlebars on motorcycles and motor scooters shall not exceed twelve (12) inches in height, measured from the crown or point of attachment.

E. No rider of a motorcycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled.

F. No driver of a motorcycle, motor scooter or bicycle shall pass other vehicles between lanes of traffic traveling in the same direction, authorized emergency vehicles excepted.

G. No person shall operate any motorcycle or any motor scooter at a speed greater than the speed limit legally posted. In no event nor at any time may an operator under the age of sixteen (16) years operate a motorcycle or motor scooter at a speed greater than thirty-five (35) miles per hour.

H. A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached thereto.

I. It is unlawful for a person to operate a motorcycle with a passenger less than four (4) years of age in the City.

SECTION 15-1502 EQUIPMENT REQUIRED.

The following equipment shall be required on all motorcycles and all motor scooters on actual trail rides conducted outside of public streets, roads and highways:

1. Rear-view mirrors: All vehicles covered under this chapter shall be equipped with 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;

2. Windshield: All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield of material and design to protect him from foreign objects;

3. Brakes: All vehicles covered under this chapter shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two (2) separate means of applying the brakes, one of which is effective to apply the brakes to the front wheel and one of which is effective to 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 of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake;

4. Speedometer: All vehicle covered under this chapter shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for the vehicle;

5. Fender: All vehicles covered under this chapter shall be equipped with a fender over each wheel. All fenders shall be on the type provided by the manufacturer;

6. Lights: All vehicles covered under this chapter shall carry at least one lighted head lamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and one tail lamp mounted in the rear which, when lighted shall omit a red light plainly visible from at least three hundred (300) feet to the rear; and such lights required by this chapter shall be burning whenever such vehicles are in motion during the period from one-half (1/2) hour after sunset and one-half (1/2\_ 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;

7. All vehicles covered under this section shall carry on the rear thereof, either as a part of the tail light or separately, at least one red reflector which shall be of such size and characteristics as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of headlights on motor vehicles;

8. Muffler. No person shall operate a vehicle covered under this section with an exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturer of the vehicle.

SECTION 15-1503 HEADGEAR REQUIRED.

No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this chapter unless such person is equipped with and wearing on the head a crash helmet of a type and design manufactured for such use. All crash helmets shall consist of lining, padding and chin straps and be of the type as not to distort the view of the driver.

SECTION 15-1504 LICENSE REQUIRED.

All operators of motorcycle or motor-driven cycle shall have a current, valid license issued by the state and conform to any specific restriction contained thereon.

**TRAFFIC AND VEHICLES**

CHAPTER 16

BICYCLES

Section 15-1601 Effects of regulations; parent’s duty.

Section 15-1602 Applicability of traffic laws.

Section 15-1603 Obedience to traffic-control devices.

Section 15-1604 Manner of riding bicycle.

Section 15-1605 Riding on roads and bicycle paths.

Section 15-1606 Speed restrictions.

Section 15-1607 Carrying articles.

Section 15-1608 Parking.

Section 15-1609 Riding on sidewalk prohibited.

Section 15-1610 Lights and brakes.

Section 15-1611 Rider not to cling to other vehicle.

Section 15-1612 Signal devices.

Section 15-1613 Emerging from alley, driveway or building.

Section 15-1614 Dealers to report.

Section 15-1615 Penalty.

SECTION 15-1601 EFFECTS OF REGULATIONS; PARENT’S DUTY.

A. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

B. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to the exceptions stated herein.

SECTION 15-1602 APPLICABILITY OF TRAFFIC LAWS.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules and or road 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 can have no application.

SECTION 15-1603 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 that no right turn, left turn, or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign except where such person dismounts from the bicycle to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

SECTION 15-1604 MANNER OF RIDING BICYCLE.

A. A person propelling a bicycle shall not 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.

C. A person shall ride a bicycle only in a manner in which it is designed and equipped to carry the person.

SECTION 15-1605 RIDING ON ROADS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two (2) persons abreast except on paths or parts of roadways set aside exclusively for the use of bicycles.

C. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

SECTION 15-1606 SPEED RESTRICITONS.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-1607 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or chapter which prevents the rider from keeping at least one hand upon the handlebars.

SECTION 15-1608 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 a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

SECTION 15-1609 RIDING ON SIDEWALK PROHIBITED.

A. No person shall ride a bicycle upon a sidewalk in the business district.

B. Whenever a 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 the pedestrian.

C. The Mayor may erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon. When such signs are in place no person shall disobey them.

SECTION 15-1610 LIGHTS AND BRAKES.

A. Every bicycle in use at nighttime 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 all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps 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. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SECTION 15-1611 RIDER NOT TO CLING OT OTHER VEHICLE.

No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

SECTION 15-1612 SIGNAL DEVICES.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

SECTION 15-1613 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

SECTION 15-1614 DEALERS TO REPORT.

Every person engaged in the business of buying or selling new or used bicycles shall make a report to the police department of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, the name or make, the frame number thereof and the number of the license plate thereon, if any, Dealers buying bicycle shall be required to secure a license therefore, but may leave any existing license plate, if any, thereon until the bicycle is sold. A person purchasing a bicycle form a dealer for use shall secure a license as provided in this chapter.

SECTION 15-1615 PENALTY.

Every person convicted of a violation of any provision of this chapter shall be punished as provided in Section 1-108 of this code.

**TRAFFIC AND VEHICLES**

CHAPTER 17

PEDESTRIANS

Section 15-1701 Subject to traffic-control signals.

Section 15-1702 Right-of-way at crosswalks.

Section 16-1703 Pedestrians to use right half of crosswalk.

Section 16-1704 Crossing at right angles.

Section 16-1705 When pedestrians shall yield.

Section 16-1706 Prohibited crossing.

Section 16-1707 Obedience to railroad signals.

Section 16-1708 Walking along roadway.

Section 16-1709 Hitchhiking; soliciting business.

Section 16-1710 Drivers to exercise care.

Section 16-1711 Use of white cane; special provisions for blind pedestrians.

SECTION 15-1701 SUBJECT TO TRAFFIC-CONTROL SIGNALS.

Pedestrians shall be subject to traffic-control signals as declared in this chapter. At all other places, pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

SECTION 15-1702 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 the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

SECTION 15-1703 PEDESTRIANS TO SUE RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SECTION 15-1704 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 15-1705 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an 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. This section shall not apply under the conditions stated in Section 15-1706 of this code when pedestrians are prohibited from crossing at certain designated places.

SECTION 15-1706 PROHIBITED CROSSING.

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

SECTION 15-1707 OBEDIENCE 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.

SECTION 15-1708 WALKING ALONG ROADWAY.

A. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable 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 15-1709 HITCHHIKING; SOLICITING BUISNESS.

A. No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.

B. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

SECTION 15-1710 DRIVERS TO EXERCISE CARE.

Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 15-1711 PLAYING IN STREETS.

A. 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. When so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

B. This section shall not apply upon any street while set aside as a play street as authorized by this code.

SECTION 15-1712 USE OF WHITE CANE; SPECIAL PROVISIONS FOR BLIND PEDESTRIANS.

A. It is unlawful for any person not wholly or partially blind to carry or use upon the streets, highways or public places of the City any cane or walking stick which is white in color. The term “white in color”, as used herein, means painted or enameled white and not an unpainted or natural wood color. Such white cane or walking stick may be used on the streets or in other public places of the City by persons wholly or partially blind as a means of identifying them to drivers or operators of vehicles and for the purpose of protecting them.

B. Blind pedestrians, by holding out horizontally a white cane in the direction they desire to travel over crosswalks on any street, avenue, alley or other public highway in this City shall be given the right-of-way over all other pedestrians and vehicles.

C. Any driver or operator of a vehicle who approaches, or comes into proximity of, a person wholly or partially blind carrying a white cane or walking stick shall immediately come to a full stop, if such person is in the path of, or about to enter, or approaching the path of, such vehicle, and shall take such precaution before proceeding as may be necessary to avoid accident or injury to such person so carrying a white cane or walking stick.

**TRAFFIC AND VEHICLES**

CHAPTER 18

ENFORCEMENT

Section 15-1801 Authority of police and fire officials.

Section 15-1802 Authority to direct traffic.

Section 15-1803 Emergency and experimental regulations.

Section 15-1804 Obedience to police and fire officials required.

Section 15-1805 Applicability to public employees.

Section 15-1806 Authorized emergency vehicles.

Section 15-1807 Persons working on streets exempted.

Section 15-1808 Closing streets for repairs; barricades required; use of street restricted.

Section 15-1809 Riding animals and animal-drawn vehicles.

Section 15-1810 Notification of runs by emergency vehicles.

SECTION 15-1801 AUTHORITY OF POLICE AND FIRE OFFICIALS.

A. It is the duty of all police officers of the police department to enforce the street traffic regulations of this City and the state, to make arrests for the traffic violations, and to investigate accidents.

B. Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, mechanical signals or signs in conformance with the provisions of this chapter. In the event of a fire or other emergency as herein defined, or other unusual traffic conditions, to expedite traffic or safeguard pedestrians, officers of the police department or fire department may direct and take control of traffic as conditions may require, and as near as practicable, follow the general provisions of this chapter.

C. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

SECTION 15-1802 AUTHORITY TO DIRECT TRAFFIC.

All traffic in the City shall be controlled by ordinances of the City and the laws of the state relating thereto. No person shall direct or attempt to direct traffic except police officers and other officers authorized by the City.

SECTION 15-1803 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The Mayor is empowered to make effective the provisions of the traffic ordinances of this City 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 City may have traffic-control devices tested under actual conditions of traffic.

SECTION 15-1804 OBEDIENCE TO POLICE AND FIRE OFFICIALS REQURIED.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

SECTION 15-1805 APPLICABILITY TO PUBLIC EMPLOYEES.

A. 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, City or other governmental unit or agency, as well as to other vehicles. No such driver shall violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

B. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

SECTION 15-1806 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, any exercise the privileges set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

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 he does not endanger life or property’ and

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions herein granted 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 than 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 operator of every authorized emergency vehicle, prior to commencing an emergency run, musts report to the police department and advise the police department of his destination; and if such a hazard exists as would endanger the public, the police department shall have the authority to prohibit the emergency run.

E. 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 protect the driver from the consequences of his reckless disregard for all the safety of others.

SECTION 15-1807 PERSONS WORKING ON STREETS EXEMPTED.

A. Unless specifically made applicable, the provisions of this chapter 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 highway and public utility operations shall be protected by adequate warning sign, signals, devices or flagmen.

Traffic and Vehicles

B. This section shall not relieve any driver exempted by this section from the duty to drive with due regard for the safety of all persons, nor from the consequences of driving while intoxicated.

SECTION 15-1808 CLOSING STREETS FOR REPARIS; BARRICADES REQURIED; USE OF STREET RESTRICTED.

A. City personnel or contractors, while repairing or improving or repairing lines or other utility facilities in the streets, are authorized as necessary, subject to control of the chief of the traffic division, to close any street or section thereof to traffic during such repair, maintenance or construction. In exercising such authority, such person 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, no person shall drive any vehicle through, under, over or around such traffic-control devices or barricades, or otherwise enter the closed area. This subsection shall not apply to persons while engaged in such construction, maintenance and repair or to persons entering therein 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 City personnel, contractor, utility company concerned shall erect or cause to be erected traffic-control devices to warn and guide the public. Every person using such street shall obey all signs, signals, marking flagmen or other traffic-control devices which are placed to regulate, control and guide traffic through the construction or maintenance area.

SECTION 15-1809 RIDING ANIMALS AND ANIMAL-DRAWN VEHICLES.

Every person propelling any pushcart 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.

SECTION 15-1810 NOTIFICATION OF RUNS BY EMERGENCY VEHICLES.

It is unlawful for any person to drive on the streets of the City any emergency vehicle, including but not limited to police patrol cars, fire trucks, ambulances, sheriff’s cars, highway patrol cars, and police motorcycles, while sounding a siren, horn, bell or other noisemaking device designed to forewarn the populace of the approach of such vehicle, without first advising the police department by contacting the police dispatcher on duty of the intention to make the emergency run and giving the name of the person making the run, the destination, the route which is intended to be traveled and the nature of the emergency.

**TRAFFIC AND VEHICLES**

CHAPTER 19

IMPOUNDMENT

Section 15-1901 Purpose and effect.

Section 15-1902 Police granted authority to impound vehicles.

Section 15-1903 Disabled vehicles.

Section 15-1904 Vehicle constitutes traffic hazard.

Section 15-1905 Illegal trespass by vehicle.

Section 15-1906 Vehicles parked in prohibited zone.

Section 15-1907 Vehicles parked in intersection.

Section 15-1908 Stolen vehicles, recovery by police.

Section 15-1909 Arrest and detention of driver of vehicle.

Section 15-1910 Unlicensed vehicles.

Section 15-1911 Place of impoundment.

Section 15-1912 Duration of impoundment.

SECTION 15-1901 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of this chapter 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 nuisance arising from traffic law violations, protection of the public rights in the use of City streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

SECTION 15-1902 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the authority granted by Section 15-1901 to impound vehicles under the provisions of this chapter. No impoundment shall be valid unless made under order of an authorized police officer.

SECTION 15-1903 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;

2. If left unattended longer than forty-eight (48) hours on the shoulder of any highway; or

3. 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.

SECTION 15-1904 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 15-1905 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle trespassing on property of another may e impounded when the required complaint has been properly made and filed as provided in this section.

B. If the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on 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 complain by the property owner or legal occupant, and if there appears to be proper cause to believe a trespass has occurred, the property owner or legal occupant of the property may cause the vehicle to be impounded form the property and placed in storage. The police department may also cause such vehicle to be impounded where the police department determines that the location of the vehicle constitutes a threat to the public health or safety or is a public traffic hazard.

SECTION 15-1906 VEHICLES PARKED IN PROHIBITED ZONE.

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 15-1907 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 15-1908 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 or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle maybe removed to the nearest authorized place of 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 15-1909 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.

SECTION 15-1910 UNLICENSED VEHICLES.

Any vehicle on public roads, streets or other public places which do not have a current state license tag may be impounded by the police.

SECTION 15-1911 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the chief of police, and to no other place.

SECTION 15-1912 DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held until an order for its releases is received from an officer of the traffic violations bureau or municipal court or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment of by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

C. No order of release of an impounded vehicle shall be issued until all fines and costs due the City because of traffic law or other law violations involving the vehicle have been paid.

**TRAFFIC AND VEHICLES**

CHAPTER 20

PENALTIES AND ARREST PROCEDURE

Section 15-2001 Penalty.

Section 15-2002 Citation tags on parked vehicles.

SECTION 15-2001 PENALTY.

A. No person shall do any act forbidden or fail to perform any act required in this chapter.

B. No parent of a child or the guardian of a ward shall authorize any child or ward to violate any provisions of this chapter.

C. No person shall authorize or knowingly permit any vehicle registered in his name to be driven, or to stand, or to be parked in violation of any provisions of this chapter.

D. Any person who violates any provision of this chapter, or performs any unlawful act as defined in this chapter, or fails to perform any act required in this chapter is guilty of an offense and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

SECTION 15-2002 CITATION TAGS ON PARKED VEHICLES.

In cases where vehicles without drivers are parked or stopped in violation of this chapter, police officers and other persons appointed by the chief of police shall affix citation tags to the vehicles. A violator of any provision of this chapter who has been given a citation tag fails to appear in accordance with the instructions of such tag shall be subject to a separate offense as provided in Section 1-108.

**TRAFFIC AND VEHICLES**

**TRAFFIC AND VEHICLES**

**TRANSPORTATION**

PART 16

TRANSPORTATION

(RESERVED)

**TRANSPORTATION**

**UTILITIES**

PART 17

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

LEASE OF SYSTEMS

Section 17-101 Lease of utilities to authority.

Section 17-102 Authority rules adopted by reference, penalty.

ARTICLE B

WATER SYSTEM

Section 17-121 Authority of Mayor in emergencies

Section 17-122 Emergency conditions.

Section 17-123 Proclamation.

Section 17-124 Publication.

Section 17-125 Proclamation to last thirty days.

Section 17-126 Appeals.

Section 17-127 Connection to water system.

Section 17-128 Penalty.

Section 17-129 Utilities Ordinance-FEES

Section 17-130 Customer Deposits

CHAPTER 2

REFUSE COLLECTION SERVICES.

Section 17-201 Definitions.

Section 17-202 Accumulations of garbage and refuse.

Section 17-203 Collection of garbage, refuse and rubbish

Section 17-204 Disposal

Section 17-205 Fees.

Section 17-206 Duty to request refuse service.

Section 17-207 Penalty.

CHAPTER 3

SANITARY SEWER SYSTEM

Section 17-301 Connection to sewer system

Section 17-302 Authority for Public Works to incur indebtedness

Section 17-303 Rules and Regulations.

**UTILITIES**

CHAPTER 1

ARTICLE A

LEASE OF SYSTEMS

Section 17-101 Lease of utilities to authority.

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Section 17-121 Authority of Mayor in emergencies.

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Section 17-123 Proclamation.

Section 17-124 Publication.

Section 17-125 Proclamation to last thirty days.

Section 17-126 Appeals.

Section 17-127 Connection to water system.

Section 17-128 Penalty.

ARTICLE A

LEASE OF SYSTEMS

SECITON 17-101 LEASE OF UTILITIES TO AUTHORITY.

The City hereby consents and agrees to the lease of the City’s water, sanitary sewerage and refuse systems and facilities and all future additions thereto to the Elmore City Public Works Authority as authorized by statute, to be effective at the time and upon the terms and conditions specified in a certain “Lease” prepared under the direction of the City Council and filed in the office of the City Clerk/Treasurer on this date. The Mayor of the City hereby is authorized and directed, on behalf of the City, to execute and deliver the lease of the Elmore City Public Works Authority.

SECTION 17-102 AUTHORITY RULES ADOPTED BY REFERENCE, PENALTY.

Rules and regulations adopted by the Elmore City Public Works Authority are hereby adopted and incorporated herein by reference, applicable as if set out in full herein. Any violation of the rules and regulations of the Authority shall be punishable as provided in Section 1-108 of this code.

Ed. Note: See the minutes and resolutions of the Authority Board of Trustees and the City of Elmore City Public Works Authority Rules and Regulations for regulations governing utilities, rates and payment procedures for municipal utilities by the Authority.

ARTICLE B

WATER SYSTEM

SECTION 17-121 AUTHORITY OF MAYOR IN EMERGENCIES.

Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure to equipment or material, the Mayor is hereby authorized to restrict or prohibit the use of water from the City’s water system.

SECTION 17-122 EMERGENCY CONDITIONS.

An emergency exists whenever the Mayor reasonably determines that the City’s waters system is unable to will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 17-123 PROCLAMATION.

Upon the determination that such an emergency exists, the Mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the City system. Such order may:

1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and

2. Prohibit usages not essential to public health and safety.

This order may be revised from time to time as the Mayor deems necessary.

SECTION 17-124 PUBLICATION.

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the City, or if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the City. The emergency proclamation shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to affect the proclamation.

B. Whenever a sudden or unexpected event so reduces the availability of water of water pressure as to create an immediate threat to public health or safety, the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. If any such means is other than that required in Subsection A of this section, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

SECTION 17-125 PROCLAMATION TO LAST THIRTY DAYS.

A duly proclaimed emergency shall continue and the terms of the proclamation shall be in full force for thirty (30) days or until such time as the Mayor or the City Council shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the City Council be resolution approved by a majority of all its members extends the proclamation.

SECTION 17-126 APPEALS.

Any person feeling aggrieved by a proclamation of the Mayor shall have the right to present the matter to the next regular or special meeting of the City Council or to any emergency session called to discuss the water emergency. The City Council may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person’s health or safety. The ruling of the City Council by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the Mayor is modified or revoked by action of the City Council, all water users shall be bound by the proclamation.

SECTION 17-127 CONNECTION TO WATER SYSTEM.

A. Each occupied residence and each occupied business or commercial building in the City of Elmore City shall connect to the City’s water system within sixty (60) days after the adoption of this ordinance; provided, however, that such service shall be brought within at least one hundred fifty (150) feet of the residence or business property line.

B. All water connections connecting to the City’s water system will be assessed charges according to current water rates. Connections that do not reflect a usage will be charge the current minimum flat rate for water.

C. Any person, firm, corporation or entity violating any provision of this ordinance shall upon conviction thereof, be liable to a fine of not to exceed twenty dollars ($20.00) and each day that any violation of any provision of this ordinance is allowed to exist shall be and constitute a separate offense.

D. By reason of the urgent need to improve the health conditions and water service in the City of Elmore City, and for the furtherance and preservation of the public peace, safety and welfare of the City and the inhabitants thereof, an emergency hereby is declared to exist, by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

SECTION 17-128 PENALTY.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Each separate day of water use in violation of such proclamation shall constitute a separate offense. Violations of this chapter shall be punishable as provided in Section 1-108 of this code.

SECTION 17-129 UTILITY ORDIANCE- FEES

WATER FEES

Minimum Bill $20

1-1000 gallons $16 added to minimum bill (not prorated)

1,001-3,000 gallons $7 per 1,000 (not prorated)

3,001-7,000 gallons $8 per 1,000 (not prorated)

Over 7,000 gallons $9 per 1,000 (not prorated)

The fee schedule in Section 17-129 shall become effective August 1, 2017. All fees in section 17-29 will increase each July 1 thereafter by the percent of the municipal cost index (MCI) established for the immediately preceding calendar year.

Section 17-130 Customer Deposit

A. All customers obtaining services after August 1, 2022, will be required to make a water service deposit of one hundred fifty dollars ($150.00) in cash, check, or money order. Customers shall have no other City billings in arrears.

B. A person of eighteen (18) years of age or older must be present at the residence in order for water to be turned on.

C. Homeowners may be eligible for a refund equal to the amount of the initial deposit for water services. Homeowners must have zero (0) late payments for one (1) year from the date service was initiated and show proof of ownership. Said request must be made by the homeowner in writing within one (1) month of reaching one (1) year of service. Homeowner shall be defined as a person who holds title and a present possessory interest to the residence at which they presently reside. Proof of ownership and residence shall be required. Homeowner shall include tenants, renters and lessors, but shall not include any persons who are lessors, landlords, subletters, or persons without a present possessory interest.

D. Deposits are non-transferrable and persons owning more than one property with access to city services shall pay a deposit on each location and site at which service is initiated.

SECTION 17-131 PAYMENT POLICIES AND PROCEDURES

A. Payment of water bill must be received by the 1st day of each month. If the 1st day of the month falls on a weekend or holiday then the payment shall be due the following business day.

B. Payment of water bills may be deposited in the drop box before 4:30 p.m. Payment made after 4:30 p.m. will be credited as received the following business day.

C. Payment of water bills may be made online before 11:59 p.m. central time. Payment made after 11:59 p.m. central time will be credited as received the following day.

D. Pledges for payment must be in the office prior to the 22nd of each month. Pledges for payment that arrive after the 22nd will be applied to the following month’s bill.

SECTION 17-132 LATE FEE POLICIES AND CUT-OFF PROCEDURES

A. A ten percent (10%) late fee shall be assessed if payment in full is not received on by the 14th day of each month. Fees shall be assessed on all balances not paid in full on the 15th of each month, or the following business day if the 15th day of the month falls on a weekend or holiday.

B. Notice of late fees and missed payments will be mailed out to customers on the 15th day of each month, or the following business day if the 15th day of the month falls on a weekend or a holiday.

C. Failure to pay the water bills will result in suspension of water utility access at the address of service. Addresses subject to suspension or cut off shall be determined on the 22nd day of each month, or the following business day if the 22nd falls on a weekend or a holiday. A public works administration employee shall cut off service to all addresses determined that date.

D. Addresses may be reconnected following payment of a twenty-five dollar ($25.00) disconnect/reconnect fee. Reconnection shall occur only once all cut offs have been completed.

SECTION 17-133 PAYMENT EXTENSION POLICIES

A. Customers are permitted two (2) payment extensions per twelve (12) month period. Requests must be submitted in writing at the office of the City Water Clerk on or before the due date for any outstanding water bills.

B. Customers will receive seven (7) calendar days after the suspension and cut-off date to pay their bill following approval of the City Water Clerk.

C. Failure to make payment by the extension date shall result in the suspension and cut-off of water services.

SECTION 17-134 LEAK POLICIES

A. If a leak is detected by a public works administration employee during their monthly inspection or reported by a customer then the customer may be eligible for a bill leak adjustment.

B. Customers are eligible for adjustment following submission of the leak adjustment request form provided by the City Water Clerk and proof and verification of a leak and the subsequent repair thereof. The bill leak adjustment will be calculated by taking the difference between the amount billed and three (3) times the customer’s twelve (12) month average usage before the leak was reported.

C. Upon verification of the leak and remediation, the customer will be given a sewer adjustment. If the leak continues onto the next billing cycle then a second sewer adjustment will occur. After two (2) billing cycles no further sewer adjustments will be given. Customers are eligible for one leak adjustment request per twelve (12) month period from date of proof of leak and remediation.

D. Customers are responsible for any and all water usage bills that may occur prior to, during, and after the discovery and remediation of any leaks.

E. Payment arrangements may be made to cover water usage fees and costs that occur over the duration of the leak. Said arrangements must be made by the 21st day of each month or the following business day if the 21st falls on a weekend or holiday. Late fees will not be assessed if payment arrangements are made and subsequently maintained.

SECTION 17-135 POOL FILL POLICIES

A. Customers may be eligible for a pool fill adjustment once during each twelve (12) month period if their account is current at the time of the request.

B. Customers must submit a pool fill adjustment request form to the City Water Clerk after the water usage has occurred but during the same billing cycle as the usage.

C. The adjustment will be the difference between the amount billed and three (3) times the customer’s twelve (12) month average usage before filling their pool.

**UTILITIES**

CHAPTER 2

REFUSE COLLECTION SERVICES

Section 17-201 Definitions.

Section 17-202 Accumulations of garbage and refuse.

Section 17-203 Collection of garbage, refuse and rubbish.

Section 17-204 Disposal.

Section 17-205 Fees.

Section 17-206 Duty to request refuse service.

Section 17-207 Penalty.

SECTION 17-201 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them herein unless the context clearly requires otherwise:

1. “Garbage” means all putrescible waste, except sewage and body wastes, including all meat, vegetable and fruit refuse from any premises within the City;

2. “Premises” means land, buildings or other structures, vehicles, watercraft or parats thereof, upon or in which refuse is stored;

3. “Refuse” means all solid wastes, including garbage and rubbish;

4. “Rubbish” means tin cans, bottles, papers, tree limbs, leaves, and similar materials from any premises within the City; and

5. “Rubble” means brushwood, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials, longer, larger or heavier than refuse.

SECTION 17-202 ACCUMULATIONS OF GARBAGE AND REFUSE.

It is the duty of every person owning, managing, operating, leasing, occupying or renting any premises or any place where refuse accumulates, to provide, and at all times maintain in good order and repair, on the premises, a portable container or containers for refuse. The container shall be rodent-proof and fly-proof and be of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse that may accumulate between collections except where approved type bulk containers are in use. All such containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes or any other insects. All refuse shall be transported to, and emptied into the bulk containers where they are provided.

SECTION 17-203 COLLECTION OF GARBAGE, REFUSE AND RUBBISH.

A. Every person owning, managing, operating, leasing, occupying or renting any premises shall provide a metal or other satisfactory weather-proof container for the disposal of garbage, refuse and rubbish in the City. The container shall be limited to sixty (60) pounds loaded weight. The containers shall be equipped and maintained with tight-fitting lids and side handles. The containers shall be placed at curbside for collection on the regular collection days in a location mutually convenient to the resident and the refuse collector.

B. Commercial and institutional establishments shall use containers as are necessary to keep the premises in a sanitary condition and such as may be approved by the City Council.

C. Tree limbs shall be cut into lengths not exceeding three and one-half (31/2) feet prior to pick up by the City. Tree limbs may be placed at curbside when tied in bundles not to exceed three and one-half (3 1/2) feet in length. No limbs shall be greater in diameter than three (3) inches. The bundle shall not exceed the maximum size to be placed in a packer truck by one person. The City Council may, from time to time, adopt regulations governing the pickup of other items of debris not provided for herein.

D. The City or its agents shall collect garbage, trash, debris, rubbish and refuse as provided herein over routes approved by the City when such refuse is placed in proper containers as prescribed by the City.

SECTION 17-204 DISPOSAL.

The disposal of garbage and rubbish shall be by landfill and daily cover.

SECTION 17-205 FEES.

Monthly or partial monthly refuse collection service fees:

1 Polycart, 1 weekly pickup 13.55

Per each additional polycart, 1 weekly pickup 7.75

1 Polycart, 2 weekly pickups 27.10

1 Tub 1 weekly pickup 37.70

1 Tub, 2 weekly pickups 55.60

Youth Association fee per Polycart 9.60

The fee schedule in section 17-205 shall become effective August 1, 2017. All fees in Section 17-205 will increase when the contracted service providers fees change. The City’s fees will provide a 35% markup over the service fees charged by the contractor.

SECTION 17-206 DUTY TO REQUEST REFUSE SERVICE.

It is the duty of every person occupying or having control of the occupancy of any premises in the City to notify the City at the beginning of such occupancy and request, accept and use the refuse collection service of the City. Failure of any owner, rental agent or occupant of premises to make such request shall not prevent nor impair or impede the City from adding that person’s name to the refuse collection records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed.

SECTION 17-208 PENALTY.

Any violation of this chapter shall be punishable as provided in Section 1-108 of this code. Each day such violation occurs shall be a separate offense.

**UTILITIES**

CHAPTER 3

SANITARY SEWER SYSTEM

Section 17-301 Connection to sewer system

Section 17-302 Authority for public works to incur indebtedness

Section 17-303 Rules and Regulations

SECTION 17-301 CONNECTION TO SEWER SYSTEM.

WHEREAS, it is necessary to the public health and welfare of the citizens of the City of Elmore City, Oklahoma, that certain regulations and requirements governing the public sanitary sewer system serving the City be adopted; and

A. Each occupied residence and each occupied business or commercial building in the City of Elmore City shall connect to the City’s sanitary sewer system within sixty (60) days after the adoption of this ordinance; provided, however, that such service shall be brought within at least one hundred fifty (150) feet of the residence or business property line.

B. Any person, firm, corporation or entity violating any provision of this Ordinance shall upon conviction thereof, be liable to a fine of not to exceed twenty dollars ($20.00) and each day that any violation of any provision of this Ordinance is allowed to exist shall be and constitute a separate offense.

SECTION 17-302 AUTHORITY FOR PUBLIC WORKS TO INCUR DEBTEDNESS

A. The Elmore City Public Works Authority(the “Authority”) is hereby authorized to incur an indebtedness by issuing its Promissory Note or Notes in the amount of $817,00.00 (the “Note”) to the United States Government, acting through the Rural Utilities Service, formerly known as Farmers Home Administration (the “Government”) to be repaid over a period of 40 years at an interest rate to be set by the Government, the proceeds of said Loan to be used to construct, acquire and equip additions and improvements to the sanitary sewer system of said City leased to said Authority.

B. The Amended Declaration of Trust, dated July 12, 2004, creating The Elmore City Public Works Authority, is subject to the Real Estate Mortgage by The Elmore City Public Works Authority, as Borrower, whereby the leasehold interest of the Authority in the sanitary sewer system of the City and the revenues derived there from are mortgaged and pledged to secure the aforesaid loan.

C. The following sanitary sewer rate schedule is hereby adopted and put into full force and effect: From this day forward monthly charges for sanitary service shall be:

Sewer Rate

0-1000 gallons $16

1,001-3,000 gallons $4 per 1,000 gallons (not prorated)

3001-7,000 gallons $5 per 1,000 gallons (not prorated)

Over 7,000 gallons $6 per 1,000 gallons (not prorated)

The fee schedule in section 17-302 shall become effective August 1, 2017. All fees in section 17-302 will increase each July 1 thereafter by the percent of the municipal cost index (MCI) established for the immediately preceding calendar year.

As long as the Authority has an outstanding indebtedness on a loan made or insured by the Government, the above sanitary sewer rate schedule shall not be changed without the prior written consent of the Government.

D. The Lease Agreement and Operation and Maintenance Contract, dated as of October 4, 2004, by and between the City of Elmore City, Oklahoma (the ”City”), as lessor, and The Elmore City Public Works Authority, as lessee, wherein the water and sanitary sewer systems of the City are leased to the Authority, is hereby approved and the Mayor and City Clerk/Treasurer are hereby authorized to execute same for and on behalf of the City, and to do all other lawful things necessary to carry out the terms thereof.

E. The City Council of the City determines and intends that the Note shall also qualify for the exception for small governmental units contained in Section 148 (f)(4)© of the Internal Revenue Code of 1986, as amended (the ”Code”), and accordingly, for purposes of qualifying for such exception, the term “qualified tax-exempt obligations” as used in this Resolution includes “tax-exempt bonds” as such term is used in Section 148(f)(4)© of the Code. The City covenants that the aggregate face amount of all tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code) issued by the City, including all subordinate entities of the City, during the calendar year in which the Note is issued, will not exceed $5,000,000., excluding, however, tax-exempt obligations which are not outstanding on the date of issuance of the Note.

F. That by reason of its being extremely advantageous to the City to cause said Promissory Note or Notes to be issued and secured, and by reason the City’s need of the facilities t be acquired, constructed and equipped by The Elmore City Public Works Authority, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that said actions of the Authority be taken and to that end that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared toe exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

SECTION 17-303 RULES AND REGULATIONS.

A. Permits Required for Commercial Dumping

1. Consent for the disposal of septage

a. A current DEQ “Consent For The Disposal Of Septage” must be on file at City Hall before any dumping of septage.

2. Municipal permit to dump

a. A “Municipal Permit To Dump” must be obtained at City Hall prior to the dumping of septage.

3. Fee for Municipal Permit To Dump

a. Municipal Permit To Dump will be $10.00 for each load up to 500 gallons of septage and $10.00 for each 500 gallons after.

b. Permits will be required for each occurrence.

B. Commercial Dumping Procedures

1. Designated Dumping Area

a. Commercial dumping may only be done in designated dumping area.

b. Any City maintenance worker must escort load to the designated dumping area and be present during the dumping process.

c. City owned lagoon site will be the only designated dumping area.

2. Dumping in Undesignated Areas Prohibited

a. Sanitary Sewer System Manholes are undesignated sites.

b. Taps made into the City’s main sewer or water lines are undesignated sites.

c. Any other access to the sanitary sewer or water system is an undesignated site.

3. Unauthorized Dumping

a. It is unlawful for any person(s), residential or commercial, to dump without proper permits.

b. It is unlawful for any person(s), residential or commercial to dump in undesignated area.

4. Penalty

a. Any person found to be in violation of this code is subject to the penalty found in Section 1-108 of this code.

**UTILITIES**

**UTILITIES**

**FINES**

PART 18

CHAPTER 1

GENERAL PROVISONS

Section 18-101 Fines, Costs, and Bond Schedule Enumerated

SECTION 18-101 FINES, COSTS, AND BOND SCHEDULE ENUMERATED.

A. The schedule of fines hereinafter set out shall be applicable for the listed infractions and offenses for the City of Elmore City, Oklahoma.

B. The minimum fines, fees and costs below set forth in the respective column state the mandated court fees and costs or fees to be remitted to CLEET or other state agencies or divisions but may not include costs or fees imposed by the judge, and all such fees and costs may be amended by way of resolution if changed by state law or other applicable state regulation or binding authority upon the City of Elmore city.

C. The City of Elmore City prescribes as its bond schedule the following schedule as hereinafter set out to be used as payment of the fine and costs upon a plea of guilty or no contest, as provided for in 22 O.S. § 1115.1. Be it provided that nothing in this bond schedule is intended to prohibit or limit any fine or penalty under applicable state statute for any offense listed herein.

D. The City of Elmore City deems it necessary to accept only cash bonds on offenses which result in arrest.

E. Payment of cash bond on offenses resulting in arrest where the maximum fine plus fees and costs is less than or equal to seven hundred fifty dollars and no cents ($750.00) shall be equal to fifty percent (50%) of said fines, fees and costs.

F. Payment of cash bond on offenses resulting in arrest where the minimum fine plus fees and costs is equal to or greater than seven hundred fifty dollars and one cent ($750.01) shall be equal to twenty-five percent (25%) of said fines, fees and costs.

1. The minimum cash bond amount for any offense shall not be less than fifty dollars ($50.00).
2. ELMORE CITY MUNICIPAL COURT TOTAL FINES, FEES AND COSTS SCHEDULE IS AS FOLLOWS:

|  |  |  |  |
| --- | --- | --- | --- |
| 1. SPEEDING (more than posted) 47 O.S. § 11-801 | | | |
|  | Fine | Fees and Costs | Total |
| 1-10 MPH | $125.00 | $60.00 | $185 |
| 11-15 MPH | $145.00 | $60.00 | $205.00 |
| 16-20 MPH | 165.00 | $60.00 | $225.00 |
| 21-25 MPH | $185.00 | $60.00 | $245.00 |
| 26-30 MPH | $205.00 | $60.00 | $265.00 |
| 31-35 MPH | $225.00 | $60.00 | $285.00 |
| Reckless (First Offense): 47 O.S. § 11-901 | $520.00 | $60.00 | $585.00 |
| Careless or Negligent Driving (not reasonable or proper): 47 O.S. § 11-801.A | $225.00 | $60.00 | $285.00 |
| Impeding: 47 O.S. § 11-804.A | $249.00 | $60.00 | $309.00 |

|  |  |  |  |
| --- | --- | --- | --- |
| SPEEDING (in school or construction zones) 47 O.S. § 11-806 | | | |
|  | Fine | Fees and Costs | Total |
| 1-10 MPH | $225.00 | $60.00 | $285.00 |
| 11-15 MPH | $265.00 | $60.00 | $325.00 |
| 16-20 MPH | $305.00 | $60.00 | $365.00 |
| 21-25 MPH | $345.00 | $60.00 | $405.00 |
| 26-30 MPH | $385.00 | $60.00 | $445.00 |

|  |  |  |  |
| --- | --- | --- | --- |
| IMPROPER PASSING | | | |
|  | Fine | Fees and Costs | Total |
| Improper Passing on the Left: 47 O.S. § 11-303(1) | $225.00 | $60.00 | $285.00 |
| Improper Passing on the Right: 47 O.S. § 11-304 | $225.00 | $60.00 | $285.00 |
| Failure to Signal when Passing | $225.00 | $60.00 | $285.00 |

|  |  |  |  |
| --- | --- | --- | --- |
| MOVING VIOLATIONS | | | |
|  | Fine | Fees and Costs | Total |
| Failure to stop for stop sign: 47 O.S. § 11-403 | $225.00 | $60.00 | $285.00 |
| Modified Exhaust: 47 O.S. §§ 12-402; 17-101 | $225.00 | $60.00 | $285.00 |
| Drivers view obstructed: 47 O.S. §§ 12-404; 17-101 | $225.00 | $60.00 | $285.00 |
| Failure to Secure Load: 47 O.S. §§ 14-105.A | $125.00 | $60.00 | $185.00 |
| Failure to Properly Cover a load Susceptible to Blowing: 47 O.S. § 14-105 | $125.00 | $60.00 | $185.00 |
| Failure to Stop for a School Bus when Loading/Unloading: 47 O.S. § 11-705 | $469.00 | $60.00 | $529.00 |
| Driving Left of Center: 47 O.S. §§ 11-301(C); 11-306(a)(1)-(3); 11-306(b) | $225.00 | $60.00 | $285.00 |
| Driving over a fire hose 47 O.S. § 11-1109 | $5-$500.00 | $60.00 | $110.00 |
| Following an emergency vehicle: 47 O.S. § 11-1108 | $5-$500.00 | $60.00 | $285.00 |
| Failure to Yield to an Emergency Vehicle: 63 O.S. § 4210 | $289.00 | $60.00 | $349.00 |
| Riding Outside Vehicle Compartment: 47 O.S. § 11-1114 | $25.00 | $60.00 | $85.00 |
| Failure to Use Child Restraint: 47 O.S. § 11-1112 | $269.00 | $60.00 | $329.00 |
| Leaving Child Unattended in Motor Vehicle (first offense): 47 O.S. § 11-1119 | $249.00 | $60.00 | $309.00 |
| Leaving Child Unattended in Motor Vehicle (2nd Offense): 47 O.S. § 11-1119 | $344.00 | $60.00 | $404.00 |
| Leaving Child Unattended in Motor Vehicle (3rd Offense) 47 O.S. § 11-1119 | $444.00 | $60.00 | $504.00 |
| Leaving Child Unattended in Motor Vehicle (on a premise which holds a liquor license) 47 O.S. § 11-1119 | $744.00 | $60.00 | $804.00 |
| Failure to Reduce Speed when Lawfully Required: 47 O.S. § 11-801.E | $225.00 | $60.00 | $285.00 |
| Following too Closely: 47 O.S. § 11-310 | $225.00 | $60.00 | $285.00 |
| Failure to dim lights: 47 O.S. § 12-203.2 | $125.00 | $60.00 | $185.00 |
| Unsafe lane change: 47 O.S. § 11-309 | $225.00 | $60.00 | $285.00 |
| Fail to Signal: 47 O.S. § 11-604 | $225.00 | $60.00 | $285.00 |
| Failure to Yield at R.O.W. from Sign at Intersection: 47 O.S. § 11-403.D | $225.00 | $60.00 | $285.00 |
| Failure to Yield at Crosswalk 47 O.S. § 11-502 | $225.00 | $60.00 | $285.00 |
| Failure to Yield Resulting in Accident | $225.00 | $60.00 | $285.00 |
| Improper Left Turn: 47 O.S. § 11-402; 11-601 | $225.00 | $60.00 | $285.00 |
| Improper Backing: 47 O.S. § 11-1102 | $225.00 | $60.00 | $285.00 |
| Improper Backing resulting in an accident | $225.00 | $60.00 | $285.00 |
| Failure to stop/remain at scene of accident: 47 O.S. § 10-103 | $249.00 | $60.00 | $309.00 |
| Failure to Give Information/Render Aid: 47 O.S. § 10-104 | $249.00 | $60.00 | $309.00 |
| Texting While Driving 47 O.S. § 11-901d (bond schedule says $254, Statute says $100.) | $254.00 | $60.00 | $314.00 |
| Operating a Motorcycle without/or Improper Windshield, Goggle, Face Shield: 47 O.S. § 12-609 | $294.00 | $60.00 | $354.00 |
| Failure to Properly Wear Seat Belt: 47 O.S. § 12-417 | $20.00 | $60.00 | $80.00 |
| Failure to Use Child Restraint: 47 O.S. § 11-1112 | $269.00 | $60.00 | $329.00 |
| Defective/Improper Equip. 47 O.S. §§ 12-101; 17-101 | $125.00 | $60.00 | $185.00 |
| Improper Window Tint 12-422; 17-101 | $294.00 | $60.00 | $354.00 |
| FTA-11-22 | $100.00 | $ | $100.00 |

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| D.L. CHARGES (Title 97) | | | |
|  | Fine | Fees and Costs | Total |
| No D.L: 47 O.S. § 6-303.A | $294.00 | $60.00 | $354.00 |
| Violation of DL restriction: 47 O.S. § 6-113.D | $225.00 | $60.00 | $285.00 |
| Failure to Carry DL: 47 O.S. §§ 6-112; 17-101 | $225.00 | $60.00 | $285.00 |
| DUS: 47 O.S. § 6-303 (first offense) | $775.00 | $60.00 | $835.00 |
| F/Rpt/Chg. Name/Add: 47 O.S. §§ 6-116; 6-308 | $500.00 | $60.00 | $560.00 |
| Unauthorized | $195.00 | $60.00 | $255.00 |
| Opt M/C W/O endorsement. 47 O.S. §§ 6-101; 6-110; 6-308 | $500.00 | $60.00 | $560.00 |
| Permitting Unlicensed Person to Drive: 47 O.S. §§ 6-305; 6-306 | $225.00 | $60.00 | $285.00 |

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| INSURANCE AND REGULATIONS | | | |
|  | Fine | Fees and Costs | Total |
| No insurance | $250.00 | $60.00 | $310.00 |
| Failure to Carry Security Verification: 47 O.S. §§ 7-602.1; 7-606 | $225.00 | $60.00 | $285.00 |
| Alter PL/DCL/REG 47 O.S. § 1151. A.2 | $294.00 | $60.00 | $354.00 |
| F/Pay Taxes 47 O.S. § 1151. A.5 | $225.00 | $60.00 | $285.00 |
| Improper Decal Dis 1151. A.5 | $225.00 | $60.00 | $285.00 |
| Improper Display of Tag: 47 O.S. § 1113 | $225.00 | $60.00 | $285.00 |
| Without/Expired Tag: 47 O.S. § 1113; | $249.00 | $60.00 | $309.00 |

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| POLICE | | | |
|  | Fine | Fees and Costs | Total |
| Atmp/Elude: 21 O.S. § 540(A) (1ST Offense) | $775.00 | $60.00 | $835.00 |
| Resisting a Police Officer: 21 O.S. § 268; 21 O.S. § 10 | $775.00 | $60.00 | $835.00 |
| Obstruction of Justice: 21 O.S. § 540; 21 O.S. § 10 | $775.00 | $60.00 | $835.00 |
| Assaulting a City Officer: 21 O.S. § 649 (applies to police officer/peace officer, didn’t find a fed. statute) | $775.00 | $60.00 | $835.00 |
| Citizen’s Duty to Assist in Arrest: 21 O.S. § 537; 21 O.S. § 10 | $225.00 | $60.00 | $285.00 |
| Failure to Comply/Lawful Order: 62 O.S. § 4221 | $225.00 | $60.00 | $285.00 |
| Fail to Yield/Emerg. Veh: 47 O.S. § 11-405 | $225.00 | $60.00 | $285.00 |
| Impersonating a Police Officer or any City Officer: 21 O.S. § 264 | Up to $100 | $60.00 | 255.00 |
| Giving False Information to a Police Officer: 21 O.S. § 589 | $294.00 | $60.00 | $354.00 |
| Interfering with Police Dog in Performing Functions 21 O.S. §§ 649.1; 649.2 | $775.00 | $60.00 | $835.00 |
| Impound Release Fee | $50.00 |  | $50.00 |

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| GENERAL CRIMES | | | |
|  | Fine | Fees and Costs | Total |
| Aiding in an Offense – City Code 10-102 | $500.00 | $60.00 | $560.00 |
| Failure to stop/remain at scene of accident: 47 O.S. § 10-103 | $249.00 | $60.00 | $309.00 |
| Failure to Give Information/Render Aid: 47 O.S. § 10-104 | $249.00 | $60.00 | $309.00 |

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| OFFENSES AGAINST PERSONS | | | |
|  | Fine | Fees and Costs | Total |
| Assault: 21 O.S. § 644 | $495.00 | $60.00 | $555.00 |
| Assault and Battery: 21 O.S. § 644 | $495.00 | $60.00 | $555.00 |
| Throwing or Shooting at Person: 21 O.S. §§ 644; 645 | $294.00 | $60.00 | $354.00 |
| Reckless Conduct – City Code 10-204 | $500.00 | $60.0 | $560.00 |

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| OFFENSES AGAINST PROPERTY | | | |
|  | Fine | Fees and Costs | Total |
| Petit Larceny: 21 O.S. § 1706 | $495.00 | $60.00 | $555.00 |
| Damage to Property: 21 O.S. § 1760; 21 O.S. § 10; City Code 10-312 (if less than $1000) | $294.00 | $60.00 | $354.00 |
| Damage to Property: 21 O.S. § 1760; 21 O.S. § 9; City Code 10-312 (if more than $1000) | $500.00 | $60.00 | $560.00 |
| Throwing or Shooting at Property: 21 O.S. § 1760 | $500.00 | $60.00 | $560.00 |
| Trespass: 21 O.S. § 1835; City Code 10-319 | $250.00 | $60.00 | $310.00 |
| Possession of Stolen Property – City Code 10-304 | $500.00 | $60.00 | $560.00 |
| Concealing Unpurchased Merchandise – City Code 10-306 | $500.00 | $60.00 | $560.00 |
| False or Bogus Checks – City Code 10-308 | $500.00 | $60.00 | $560.00 |
| Harmful Deception – City Code 10-309 | $500.00 | $60.00 | $560.00 |
| Removing or Breaking Private Property – City code 10-311 | $500.00 | $60.00 | $560.00 |
| Public Works Under Construction – City Code 10-313 | $500.00 | $60.00 | $560.00 |
| Tampering or Damaging Public Utilities – City Code 10-315 | $294.00 | $60.00 | $354.00 |
| Destroying Trees and shrubbery – City Code 10-316 | $500.00 | $60.00 | $560.00 |
| Congregating, Parking on Premises After Hours – City Code 10-318 | $500.00 | $60.00 | $560.00 |
| Trespass: 21 O.S. § 1835; City Code 10-319 | $250.00 | $60.00 | $310.00 |
| Fireworks Prohibited – City Code 10-328 | $500.00 | $60.00 | $560.00 |

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| OFFENSES AGAINST PUBLIC PEACE | | | |
|  | Fine | Fees and Costs | Total |
| Disturbing Funerals – City Code 10-402 | $500.00 | $60.00 | $560.00 |
| Disorderly Conduct – City Code 10-403 | $500.00 | $60.00 | $560.00 |
| Unnecessary Noise Prohibited | $500.00 | $60.00 | $560.00 |

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| OFFENSES AGAINST THE PUBLIC | | | |
|  | Fine | Fees and Costs | Total |
| Obscene, Threatening, or Harassing Telephone Calls | $500.00 | $60.00 | $560.00 |
| Disorderly House – City Code 10-508 | $500.00 | $60.00 | $560.00 |
| Nudity, Improper Dress, Indecent Exposure – City Code 10-509 | $500.00 | $60.00 | $560.00 |
| Gambling and Gambling Devices – City Code 10-510 | $500.00 | $60.00 | $560.00 |
| Prostitution Prohibited – City Code 10-511 | $500.00 | $60.00 | $560.00 |
| Offenses Near a School – City Code 10-512 | $500.00 | $60.00 | $560.00 |
| Sleeping in Place, Property – City Code 10-513 | $500.00 | $60.00 | $560.00 |
| Contributing to Delinquency of a Minor – City Code – 10-514 | $500.00 | $60.00 | $560.00 |
| Interfering with Street, Free Flow of Traffic – City Code 14-102 | $500.00 | $60.00 | $560.00 |
| Removal of Trees, Shrubs, Obstructing View of Traffic – City Code 14-103 | $500.00 | $60.00 | $560.00 |

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| FIREARMS/WEAPONS | | | |
|  | Fine | Fees and Costs | Total |
| Transporting a Loaded Firearm: 12 O.S. § 1289.13(A) | $70.00 | $60.00 | $130.00 |
| Discharging a Firearm in the City: 21 O.S. §§ 1364; 1289.24(A)(2)(a) | $50.00 | $60.00 | $110.00 |
| Discharging Firearm in the City (BB/Air gun): 21 O.S. § 1364 | $50.00 | $60.00 | $110.00 |

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| CRIMES AGAINST ANIMALS | Fine | Fees and Costs | Total |
| Animal at Large | $294.00 | $60.00 | 1st offence $155.00; 2nd offence; $355.00 3rd offence 555.00 |
| Keeping Poisonous Reptiles Unlawful – City Code 4-110 | $500.00 | $60.00 | $560.00 |
| Annual Dog License and Tax (unregistered animals) – City Code 4-122 | $500.00 | $60.00 | $560.00 |
| Breaking Into Pound or Interfering with Officers – City Code 4-132 | $500.00 | $60.00 | $560.00 |
| Cruelty to Animals – City Code 4-141 | $500.00 | $60.00 | $560.00 |
| Poisoning Animals – City Code 4-142 | $500.00 | $60.00 | $560.00 |
| Encouraging Animals to Fight – City Code 4-143 | $500.00 | $60.00 | $560.00 |

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| NUISANCES AND HEALTH | | | |
|  | Fine | Fees and Costs | Total |
| Disturbing the Peace – 12 O.S. §§ 1362, 1363 | $195.00 | $60.0 | $255.00 |
| Nuisance Prohibited – City Code 8-103 | $500.00 | $60.00 | $560.00 |
| Toilet Facilities Requires – City Code 8-116 | $500.00 | $60.00 | $560.00 |
| Obstruction of Health or Enforcement Officer – City Code 8-117 | $500.00 | $60.00 | $560.00 |
| Duty of Owner, Occupant to Maintain Property – City Code 8-203 | $500.00 | $60.00 | $560.00 |
| Unmowed yard – City Code 8-205 | $440.00 | $60.00 | $500.00 |
| Weeds and Trash – City Code 8-202; City Code 8-205 | $440.00 | $60.00 | $500.00 |
| Prohibited Acts; Nuisances Declared (Junk Vehicle) – City Code 8-402 | $500.00 | $60.00 | $560.00 |
| Violation of Water Rationing | $249.00 | $60.00 | $309.00 |
| Curfew for Minors | $195.00 | $60.00 | $255.00 |

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| DRUGS AND ALCOHOL | | | |
|  | Fine | Fees and Costs | Total |
| Poss. CDS. 63 O.S. § 2-402 | $800.00 | $60.00 | $860.00 |
| Poss. Para Title 63 O.S. §§ 2-405.B; 2-405(F) | $800.00 | $60.00 | $860.00 |
| Sniffing Glue, Paint, and Other Substances – City Code 10-503 | $500.00 | $60.00 | $560.00 |
| TOC-Beer-21-Title 21 O.S. § 1220.A | $225.00 | $60.00 | $285.00 |
| TOC-LIQ- 21 O.S. § 1220.A | $225.00 | $60.00 | $285.00 |
| Poss. Under 21 10A O.S. § 2-8-222 | $257.00 | $60.00 | $317.00 |
| Drink/Pub/Pl. or in a vehicle commonly used for the transportation of passengers 37A-6-101; 6-125 | $249.00 | $60.00 | $309.00 |
| Sell to minor 37A O.S. § 6-101 | $500.00 | $60.00 | $560.00 |
| Minor in Poss./Cons. of alcohol. while in public 10A O.S. § 2-8-222 | $100.00 | $60.00 | $160.00 |
| Tobacco to a Minor: 12 O.S. § 1241 | $200.00 | $60.00 | $260.00 |

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| LITTERING | | | |
|  | Fine | Fees and Costs | Total |
| Littering (from a motor vehicle) 21 O.S. § 1753.3 | $319.00 | $60.00 | $379.00 |
| Deposit of glass, nails, or other Injurious Matter in Streets: 47 O.S. § 11-1110 | $249.00 | $60.00 | $309.00 |
| Failure to Remove Glass, or other Injurious Matter in Street after an Accident from Damaged Vehicles: 47 O.S. § 11-1110 | $249.00 | $60.00 | $309.00 |
| Unauthorized Dumping, Depositing, or Disposal of Trash on Property of Another – City Code 8-112 | $500.00 | $60.00 | $560.00 |
| Abandoned Ice Boxes, Refrigerators – City Code 8-118 | $500.00 | $60.00 | $560.00 |
| Throwing Out Lighted Substances or Debris – City Code 10-321 | $500.00 | $60.00 | $560.00 |
| Littering – City Code 8-119; City Code 10-322 | $500.00 | $60.00 | $560.00 |

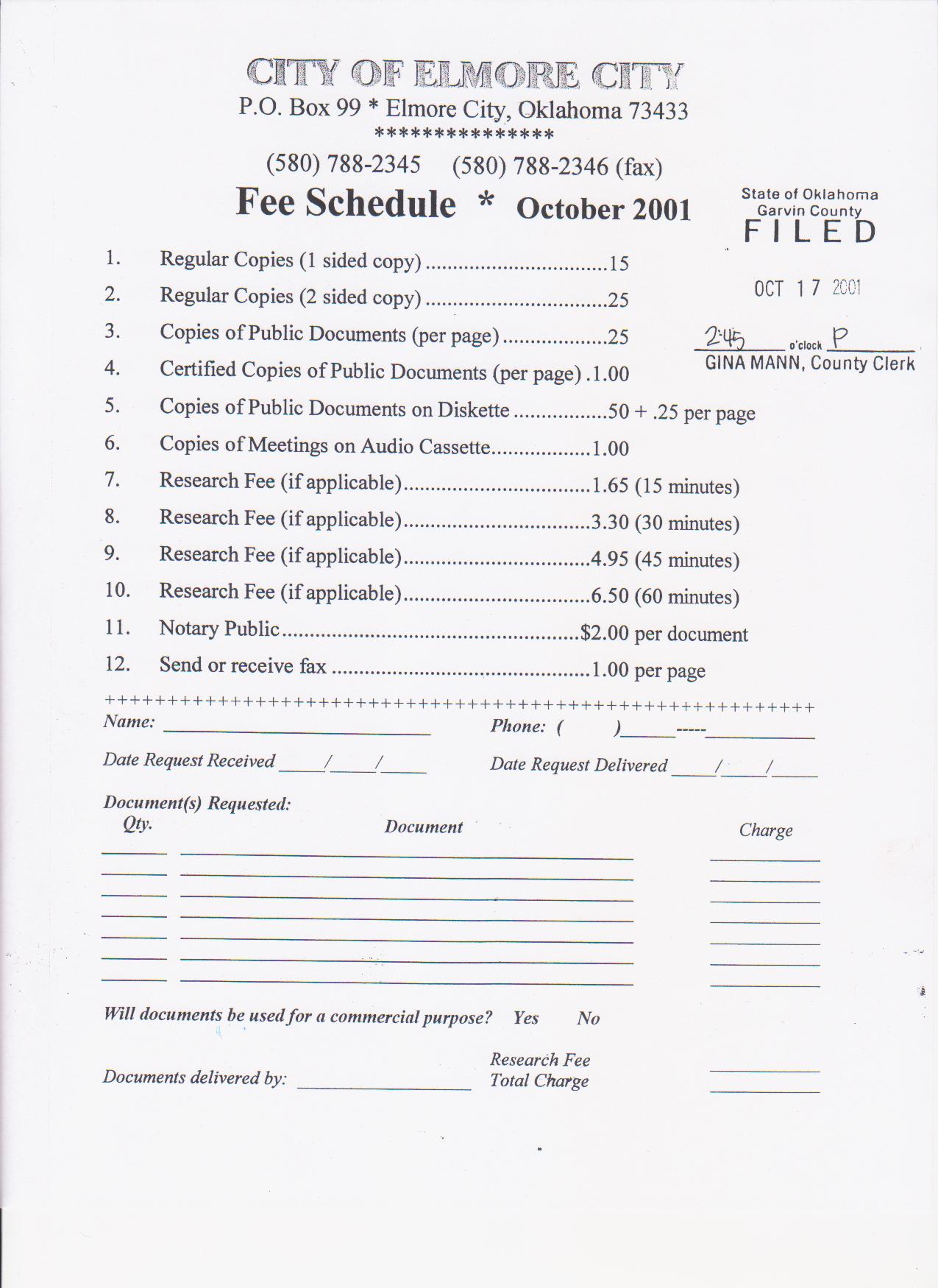
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| PARKS, RECREATION, AND CEMETERY | | | |
|  | Fine | Fees and Costs | Total |
| Camping Without a Permit – City Code 11-101(B) | $100.00 | $60.00 | $160.00 |
| Taking Game Fish Unlawfully – City Code 11-101(C) | $100.00 | $60.00 | $160.00 |
| Creating a Wake or Boating Without a Permit – City Code 11-101(D) | $100.00 | $60.00 | $160.00 |
| Hunting at Lake Prohibited – City Code 11-101(E) | $100.00 | $60.00 | $160.00 |
| Target/Practice Shooting Firearm at Lake Prohibited – City Code 11-101(F) | $100.00 | $60.00 | $160.00 |

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| OFFENSES NOT IDENTIFIED | | | |
|  | Fine | Fees and Costs | Total |
| Any Traffic Offense or criminal offense not specifically identified herein | $500.00 | $60.00 | $560.00\*  \*If there is a state statute for the specific offense,  then the bond amount shall be the lesser amount  allowed by state statute plus court costs. |

**FINES**

**APPENDICES**

* + - * **City of Elmore City Schedule of Fees and Charges**

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