

TOWN CODE
of
CARNEGIE
OKLAHOMA

2005



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PREFACE

This town code of the town of Carnegie contains ordinances and resolutions up to and including the following:

Ordinance 231, passed May 12, 2005
Resolution passed October 10, 2000

Ordinances and resolutions of the town adopted after those listed above supersede the provisions of this town code to the extent that they are in conflict or inconsistent therewith. Consult the town office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers, Inc.
Coeur d'Alene, Idaho

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CHAPTER 1

INCORPORATION; GOVERNING AUTHORITY

SECTION:

- 1-1-1: Incorporation
- 1-1-2: Form Of Government
- 1-1-3: General Powers Of Town

1-1-1: **INCORPORATION:** The town of Carnegie, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "Town of Carnegie, Oklahoma". It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the town of Carnegie, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound. (1992 Code § 1-1)

1-1-2: **FORM OF GOVERNMENT:** The municipal government provided for the town shall be the "town board of trustees" form of government. All powers of the town shall be exercised in the manner prescribed by this code, future ordinances or state law; provided, that this code and all future ordinances are not repugnant to the state constitution and laws. (1992 Code § 1-2)

1-1-3: **GENERAL POWERS OF TOWN:**

- A. The town shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to municipalities, or not prohibited by the state constitution and laws, and all the implied power necessary to carry into execution all the powers granted.
- B. The town shall have the power to adopt a corporate seal and alter the same; to sue and be sued; to make contracts and to grant,

extend and renew franchises. It shall have the power, in accordance with the state constitution and laws, to accept and administer federal and state grants in aid. It shall have the power to ordain and enforce local legislation, consistent with the state constitution and laws, for the proper organization and functioning of municipal government, for the preservation and enforcement of good government and order, for the protection of health, life, peace, safety, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

- C. The enumeration of particular powers of this code shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the town shall have all the powers which, under the state constitution and laws, it would be competent for this code specifically to enumerate. (1992 Code § 1-3)

CHAPTER 2
OFFICIAL TOWN CODE

SECTION:

- 1-2-1 : Title
- 1-2-2: Acceptance
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- 1-2-9: Code Alterations

1-2-1: TITLE: Upon the adoption by the board of trustees, this town code is hereby declared to be and shall hereafter constitute the official town code of Carnegie. This town code of ordinances shall be known and cited as the *CARNEGIE TOWN CODE* and is hereby published by authority of the board of trustees and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-2-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this town code by title in any legal documents. (2005 Code)

1-2-2: ACCEPTANCE: The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-3-1 of this title. (2005 Code)

1-2-3: AMENDMENTS OR ADDITIONS TO TOWN CODE:

- A. Town Board Authority: The town board of trustees shall have the power to repeal, alter or amend this code.
- B. Ordinances Passed Subsequent To Town Code Adoption: All ordinances passed subsequent to this code which amend, repeal, or in any way affect said code, may be supplemented by being numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from this code by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this code which amend or add to this code (except in the case of repeal) shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted, are readopted as a new code of ordinances by the town board of trustees.
- C. Specific Reference To Amended Area Of Code: Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the chapter, article and section numbers of this code in the following language: "Section _____ of Chapter _____, Title _____, of the code of ordinances, town of Carnegie, Oklahoma, is hereby amended to read as follows: ' _____ '"
The new provisions shall then be set out in full as desired.
- D. New Section: In the event a new section not heretofore existing in the town code is to be added, the following language shall generally be used: "The Code of Ordinances, Town of Carnegie, Oklahoma, is hereby amended by adding a Section to Chapter _____ of Title _____, which section reads as follows: ' _____ '". The new section shall then be set out in full as desired. (1992 Code § 1-167)

1-2-4: ORDINANCE ADOPTION AND PUBLICATION:

- A. Enacting Clause: The enacting clause of all ordinances passed by the town board of trustees shall be: "BE IT ORDAINED by the Board of Trustees of the Town of Carnegie, Oklahoma"; and of all ordinances proposed by the voters under their power of initiative, "BE IT ORDAINED by the People of the Town of Carnegie, Oklahoma".

- B. Reading And Voting On Proposed Ordinance: Every proposed ordinance shall be read and a vote of a majority of all the trustees shall be required for its final passage.
- C. No Veto Power: The mayor shall have no power to veto any ordinance.
- D. Publication: Every ordinance, except those exempted by state law, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the town or county.
- E. Effective Date: Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.
- F. Emergency Ordinance: An emergency ordinance is an ordinance which, in the judgment of the town board of trustees, is necessary for the immediate preservation of the local welfare, peace, health or safety, and which should become effective prior to the time when a regular ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words "and declaring an emergency" and, in a separate section (herein called the emergency section), shall declare the emergency. The town board of trustees shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths ($\frac{3}{4}$) of all the members of said town board. An emergency ordinance shall take effect upon passage, unless it specifies a later date. (1992 Code § 1-164)

1-2-5: ADOPTION OF CODES, ORDINANCES OR STANDARDS BY REFERENCE: The town board of trustees, by ordinance, may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a code, ordinance or standard so adopted, need not be enrolled in this code of ordinances; provided, that three (3) copies are filed and kept in the office of the town clerk. (1992 Code § 1-165)

1-2-6: COMPILATION OF ORDINANCES:

- A. Republication Of Penal Ordinances: Every ten (10) years, the town shall compile and publish its effective penal ordinances in a permanent form.
- B. Town Code On File In County Law Library: Two (2) copies of the compilation of ordinances shall be deposited by the town in the Caddo County law library.
- C. Periodic Supplementation: Every two (2) years the town shall prepare, adopt and publish supplements to its compiled penal ordinances, and no ordinance shall be enforced if it is not reflected in such compilation or supplement, if such ordinance was adopted more than one year prior to the latest compilation or supplement.
- D. Adoption Of Resolution To Notify Public: When the town has compiled and published its code of ordinances and succeeding supplements, the town board of trustees shall adopt a resolution notifying the public of such compliance and cause certified copies of the resolution, the code of ordinances and the supplements to be filed in the office of the Caddo County clerk and the county law library. (1992 Code § 1-166)

1-2-7: ORDINANCES IN EFFECT IN OUTLYING TERRITORY:

- A. Effect Of Code Provisions And Ordinances: All provisions of this code and other ordinances of the town now in effect or adopted in the future are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and shall be in full force and effect thereon insofar as they are applicable.
- B. Meanings Of Words Extended: Any words in any such provision indicating that its effect is limited to the corporate limits of the town shall be deemed to mean and include also such outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise.
- C. Vehicles And Traffic: The operation of motor vehicles and other traffic upon roads, streets and highways that form the corporate boundary line of the town shall be subject to all municipal traffic ordinances and other ordinances of the town. (1992 Code § 8-13)

1-2-8: ENUMERATION OF STATE LAW AND LOCAL REGULATIONS:

- A. Provisions of state law which affect the town because of its general relationship to the state may not be enumerated herein, but may be adopted by reference as inseparable parts of this code.
- B. Provisions of state law which prescribe specific actions or laws for the town and its citizens may be included in this code for purposes of clarity.
- C. Provisions of state law in matters of wider public concern which are not enumerated herein, but which affect the town and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this code through adoption by reference.
- D. All provisions which are of purely local concern may be specifically enumerated in this code. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by state law, and are specifically enumerated herein in detail, shall be enforced by the town. Duly authorized officers and agents of the town shall have all powers, duties and responsibilities necessary to enforce the same. (1992 Code § 8-11)

1-2-9: CODE ALTERATIONS: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this town code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk when directed so to do by order of the board of trustees. (2005 Code)

CHAPTER 3

SAVING CLAUSE

SECTION:

- 1-3-1 : Certain Ordinances Not Affected By Code
- 1-3-2: Public Ways And Public Utility Ordinances
- 1-3-3: Effect Of Repeal; Court Proceedings
- 1-3-4: Separability Clause

1-3-1 : CERTAIN ORDINANCES NOT AFFECTED BY CODE:

- A. Ordinances Enumerated: Nothing in this code or the ordinance adopting this code shall be construed to repeal, or otherwise affect the validity of, any of the following, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein:
1. Ordinances promising, obligating or guaranteeing the payment of money for or to the town, authorizing the issuance of any municipal bonds or any evidence of the town's indebtedness.
 2. Appropriation ordinances, or ordinances providing for: a) the levy of taxes; b) an annual budget; c) a special election; or d) prescribing salaries for town officers and employees.
 3. Ordinances which provide for the annexation or de-annexation of territory to or from the town.
 4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise.
 5. Ordinances authorizing or relating to specific public improvements.

6. Ordinances vacating, opening or dedicating specific streets and alleys.

7. Ordinances relating to specific street improvements and assessments.

8. Ordinances relating to the grade or alignment of specific streets.

9. Ordinances naming or renaming specific streets.

10. Ordinances granting railroads or others the right to use specific streets, alleys or rights of way.

11. Ordinances changing the zoning district classification of a specific parcel of real property.

12. Other temporary or special ordinances. (1992 Code § 8-10)

- B. Continuing Effect: All ordinances, insofar as they are not inconsistent with this code, shall continue in effect until they are repealed or until they expire by their limitations. (1992 Code § 1-162)

1-3-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this town code, excepting as the town code may contain provisions for such matters, in which case, this town code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2005 Code)

1-3-3: EFFECT OF REPEAL; COURT PROCEEDINGS:

- A. Reviving Prior Ordinance: The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.
- B. Offenses: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or

punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- C. Extend To All Repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- D. Current Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this town code. (2005 Code)

1-3-4: SEPARABILITY CLAUSE:

- A. Declaration Of Invalidity Ineffectual: It is hereby declared to be the intention of the board of trustees that the sections, paragraphs, sentences, clauses and phrases of this code are separable and if any phrase, clause, sentence, paragraph or section of said code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of said code, since the same would have been enacted by the town board of trustees without the incorporation in this code of any such valid phrase, clause, sentence, paragraph or section.
- B. Printing Or Typographical Errors: If any word, phrase, clause, sentence, paragraph or section of this code shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or sections of this code. (1992 Code § 8-16)

CHAPTER 4

DEFINITIONS; INTERPRETATIONS

SECTION:

- 1-4-1 : Construction Of Words; Interpretations
- 1-4-2: Definitions, General
- 1-4-3: Catchlines Of Sections; Citations

1-4-1: **CONSTRUCTION OF WORDS; INTERPRETATIONS:** In the construction of this code and of all subsequent ordinances and resolutions passed by the board of trustees of the town, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said town board:

- A. **Number:** Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.
- B. **Tense:** Words used in the past or present tense include the future as well as the past and present.
- C. **Nontechnical And Technical Words:** Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- D. **Or; And:** "Or" may be read "and", and "and" may be read "or", if the sense requires it.
- E. **Preceding Or Following:** The words "preceding" or "following" shall mean next before and next after, respectively.
- F. **Ordinance Or Resolution:** The words "ordinance" or "resolution" contained in the ordinances and resolutions of the town have been

changed in the content of this town code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the town's ordinances and resolutions is not meant to amend passage and effective dates of such original ordinances and resolutions. (1992 Code § 8-1; amd. 2005 Code)

1-4-2: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

BOARD OF TRUSTEES OR TOWN BOARD: The board of trustees of the town of Carnegie.

CHIEF OF POLICE OR POLICE CHIEF: The chief of police or the police officer in charge of the police force of the town of Carnegie.

CODE, THIS CODE: The town code of the town of Carnegie.

COMPUTATION OF TIME: Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given (or such act is done) shall be excluded in computing the time, but the day on which the proceeding is to be had shall be counted.

COUNTY: The county of Caddo, state of Oklahoma.

COURT, MUNICIPAL COURT: The municipal court of the town of Carnegie.

EMPLOYEES: Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words "of the town of Carnegie".

GENDER:	A word importing one gender only shall extend and be applied to other genders and to 'firms, partnerships, and corporations as well.
HEALTH OFFICER OR HEALTH DEPARTMENT:	Whenever reference is made to the "health officer" or the "health department", it shall be construed as meaning the county sanitarian or county health department, unless specific reference is made to the appointed health officer of the town.
HIGHWAY:	Shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the town, dedicated or devoted to public use.
JOINT AUTHORITY:	Words purporting to give joint authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
JUDGE:	The judge of the municipal court of the town, including the acting judge and/or alternate judge thereof, as provided by Oklahoma Statutes and this code.
JUDICIAL DISTRICT:	The district court judicial district of the state of Oklahoma, wherein the situs of government of the town is situated.
LAW:	Includes applicable federal law, provisions of the constitution and statutes of the state of Oklahoma, the ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder.
MAY; SHALL:	The word "may" is permissive; the word "shall is mandatory.
MAYOR:	The chief executive officer of the town of Carnegie.
MONTH:	A calendar month.

OS:	Oklahoma Statutes.
OATH:	Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OFFICERS, DEPARTMENTS:	Whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the town of Carnegie".
OPERATOR:	The person who is in charge of any operation, business or profession.
ORDINANCE:	The formal legislative act of the town board of trustees which has the force and effect of a continuing regulation and a permanent rule of conduct or government for the town.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
PERSON:	Shall extend, and be applied, to associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word "person", applied to partnerships or associations, shall mean the partners and

	members thereof, and as applied to corporations, the officers thereof.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
POLICE OFFICER:	The chief of police or any police officer of the town of Carnegie.
PROPERTY:	Shall include real and personal property.
RESOLUTION:	A special or temporary act of the town board of trustees which is declaratory of the will or opinion of the town in a given manner, and is in the nature of a ministerial or administrative act. A resolution is not a law and does not prescribe rule or conduct of government.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
ROADWAY:	That portion of a street improved, designed or ordinarily used for vehicular traffic.
SIDEWALK:	Any portion of the street right of way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.
SIGNATURE OR SUBSCRIPTION:	Includes a mark when a person cannot write.
STATE OR THIS STATE:	The state of Oklahoma.

STATUTORY REFERENCES:	References to statutes of the state of Oklahoma as they now are or as they may be amended to be.
STREET:	Shall include any highway, alley, street, avenue, public place, underpass or overpass in the town, dedicated or devoted to public use.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
TOWN:	The town of Carnegie, county of Caddo, state of Oklahoma.
WEEK:	Seven (7) days.
WHOLESALE DEALER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
WRITTEN, IN WRITING:	May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.
YEAR:	Unless otherwise designated, a calendar year. (1992 Code § 8-1; amd. 2005 Code)
1-4-3:	CATCHLINES OF SECTIONS; CITATIONS: The catchlines of sections in this code and citations included at the end of sections are intended to indicate the contents of the section and historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or reenacted. (1992 Code § 8-15; amd. 2005 Code)

CHAPTER 5

GENERAL PENALTY

SECTION:

- 1-5-1 : General Penalty For Violations; Judicial Relief
 1-5-2: Application Of Provisions
 1-5-3: Liability Of Officers

1-5-1 : GENERAL PENALTY FOR VIOLATIONS; JUDICIAL RELIEF¹:

- A. Penalty Imposed: Whenever, in this code or any ordinance of the town, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said code, the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or of any such ordinance shall be punishable by a fine in any amount not exceeding the limits established in section 1-9-22 of this title. Each day on which any violation of this code or of any ordinance shall continue shall constitute a separate offense and shall be punishable as such.
- B. Judicial Relief: No penalty imposed by, and pursuant to, this code shall interfere with the right of the town also to apply to the proper courts of the state of Oklahoma for a mandamus, an injunction or other appropriate action against such person, firm or corporation. (1992 Code § 8-30)

1-5-2: APPLICATION OF PROVISIONS:

- A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this town code the same as though it were a part of each and every separate section.

1. See also chapter 9 of this title.

- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this town code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this town code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2005 Code)

1-5-3: LIABILITY OF OFFICERS: No provision of this town code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2005 Code)

CHAPTER 6
CORPORATE BOUNDARIES

SECTION:

1-6-1: Corporate Boundaries Map

1-6-1: CORPORATE BOUNDARIES MAP:

- A. Maintenance And Display: A map depicting the current corporate boundaries of the town shall be maintained and displayed in the office of the town clerk.
- B. Contents; Official Map:
 - 1. This map shall reflect all current annexation and de-annexation ordinances and orders, all plat and/or street vacation orders, and all official street names and shall represent the official map of the corporate boundaries of the town.
 - 2. All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be redrawn by the methods provided by Oklahoma Statutes.
- C. Available For Inspection: This map shall be available for public inspection. (1992 Code § 20-5; amd. 2005 Code)

CHAPTER 7

TOWN BOARD OF TRUSTEES AND MAVOR

SECTION:

1-7-1 :	Election And Terms
1-7-2:	Powers Of Town Board
1-7-3:	Municipal Policy And Business
1-7-4:	Town Board Meetings
1-7-5:	Removal Of Trustees; Vacancies
1-7-6:	Supervisory Designation Of Trustees
1-7-7:	Mayor; Vice Mayor

1-7-1 : ELECTION AND TERMS:

A. Trustees Elected At Large: The town board of trustees shall consist, and be composed, of five (5) trustees. Each trustee shall be nominated and elected at large after November 10, 1988, according to current state law, without regard to their place of residence within the corporate limits of the town. Trustees shall be actual residents and registered voters of the town.

B. Resolution Calling For Election; Filing Of Candidates:

1. The resolution of the town board of trustees calling for a general or special election to fill the office of trustee shall state the number of four (4) year terms and the number of unexpired terms, if any, to be filled. The resolution shall direct that the ballot shall state the number of offices of trustees to be filled for each term, and that the voters shall vote for the number to be filled.

2. Candidates for the office of trustee shall file for a specific term, which shall be designated on the declaration of candidacy; candidates receiving the largest pluralities for each designated term shall be elected.

- C. Terms Of Office: Trustees shall be elected for terms of four (4) years. (1992 Code § 1-10)

1-7-2: POWERS OF TOWN BOARD: Except as otherwise provided in this code, all powers of the town, including the determination of matters of policy, shall be vested in the town board of trustees. Said town board shall have, and may utilize, all of the powers granted to the town and said town board by the state constitution and laws. (1992 Code § 1-11)

1-7-3: MUNICIPAL POLICY AND BUSINESS:

- A. Compliance With Local And State Laws: The town board of trustees shall conduct all business of the town, set policy for the efficient administration of municipal government, administratively supervise all activities of town employees; and carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the limits prescribed by the state constitution and laws and the town code.
- B. Discrimination Prohibited: It shall be the policy of the municipal government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, handicap, national origin or age in employment or other activities sponsored directly or indirectly by the town.
- C. Voting Requirement; Conflict Of Interest: Every member of the town board of trustees who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless excused by the unanimous consent of those town board members present, or unless said member is directly or indirectly interested in the question, in which event said interest shall be disclosed to the town board and it shall be made a matter of record. (1992 Code § 1-12)

1-7-4: TOWN BOARD MEETINGS:

- A. Regular Meetings; Open To Public; Notice: Municipal business shall be conducted at regularly scheduled open and public meetings held in the town hall (or another agreed upon place which is open to the public). Said meetings for the following calendar year shall be set by the town board of trustees at the regularly scheduled meeting in

November. Notice of such meetings shall be given to the county clerk and others, by the town clerk, as provided by state law. The town clerk shall keep a record of the notices for said meetings in a register available for public inspection. The town board may make changes to the date, time and place of the regularly scheduled meetings if proper notice of such changes is given pursuant to state law.

- B. Special Or Emergency Meetings: Special or emergency town board meetings may be called by the mayor, or by a majority of the trustees, upon the serving of notice, as required by current state law.
- C. Order Of Business: The town board of trustees shall establish, by motion or resolution, an order of business for the conduct of its meetings. (1992 Code § 1-13)

1-7-5: REMOVAL OF TRUSTEES; VACANCIES:

- A. Removal For Cause: Any trustee, including the mayor, may be removed from office for any cause specified by, and using the methods prescribed and specified by, applicable state law for the removal of officers, including 22 Oklahoma Statutes section 1181 et seq., as amended.
- B. Absenteeism: Whenever a member of the town board of trustees is absent from more than one-half ($\frac{1}{2}$) of all regular and special meetings of said town board held within any period of four (4) consecutive months, said person shall thereupon automatically cease to hold office, unless the remaining members of the town board vote to retain said person on said town board.
- C. Filling Vacancies: Vacancies in the membership of the town board of trustees shall be filled according to applicable provisions of state law. (1992 Code § 1-14)

1-7-6: SUPERVISORY DESIGNATION OF TRUSTEES:

- A. Control Of Certain Activities: The town board of trustees may give its members supervisory control over designated personnel, departments and/or activities of the town.

- B. Committee Of One: Each trustee may be given an appropriate title and each trustee shall be, in effect, a committee of one of the town board of trustees, and be subordinate to said town board.
- C. Improvement Of Public Ways: Members of the town board of trustees shall superintend the construction, grading, paving and improvement of any municipal streets, alleys or sidewalks. (1992 Code § 1-15)

1-7-7: MAYOR; VICE MAYOR:

- A. Selection From Board Members: The town board of trustees shall elect one of its members as mayor. The mayor shall be elected in each odd numbered year, at the first town board meeting held after the trustees' terms begin, or as soon thereafter as practicable.
- B. Vacancy: When a vacancy occurs in the office of mayor, the town board of trustees shall elect another mayor from among its members to serve for the duration of the unexpired term.
- C. Preside At Meetings: The mayor shall preside at all meetings of the town board of trustees and may call special meetings thereof.
- D. General Powers And Duties: The mayor shall certify to the correct enrollment of all ordinances and resolutions passed by the town board of trustees. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, and, as an elected representative of the citizens of the town, may vote on all matters that come before the town board of trustees.
- E. Ceremonies: The mayor shall be recognized as the head of the municipal government for all ceremonial purposes.
- F. Vice Mayor Act In Mayor's Absence: In order to ensure service and leadership during the absence, disability or suspension of the mayor, the town board of trustees shall elect a vice mayor from among its members.
- G. Other Duties: The mayor shall perform all other duties prescribed by state law or ordinance. (1992 Code § 1-20; amd. 2005 Code)

CHAPTER 8

TOWN OFFICERS AND EMPLOYEES

SECTION:

- 1-8-1 : Bonds Of Officers
- 1-8-2: Compensation
- 1-8-3: Succession In Office
- 1-8-4: Nepotism; Compatibility Of Offices
- 1-8-5: Social Security

1-8-1 : BONDS OF OFFICERS:

- A. Amounts Specified: The town clerk, town treasurer, chief of police and the hospital administrator shall each be bonded by the town within ten (10) days after their election or appointment, in the following amounts:

Town clerk	\$10,000.00
Town treasurer	10,000.00
Chief of police	2,000.00
Hospital administrator	10,000.00

- B. Other Officers And Employees: The town board of trustees shall, by motion, establish bond requirements for other town officers and employees, as necessary or as required. (1992 Code § 1-160)

1-8-2: COMPENSATION:

- A. Basic Compensation: The basic compensation of the following elected municipal officers shall be as indicated below:

Each trustee	\$ 90.00 per month
Mayor	140.00 per month

Town clerk ¹	\$1,000.22 per month
Town treasurer	400.00 per month

(1992 Code § 1-161; amd. Ord. 229, 2-10-2005; 2005 Code)

- B. Elected Officials, Changing Salaries: The basic salaries of elected town officials shall not be changed after their election or during their term of office (state constitution article 23, section 10).
- C. Authority Of Town Board: The town board of trustees may determine or regulate the number and class of officers and employees and determine or change their compensation, by motion or resolution; this provision shall also be applicable to the town clerk and the town treasurer, whenever either or both positions are appointive. (1992 Code § 1-161)

1-8-3: **SUCCESSION IN OFFICE:**

- A. Officers And Employees: All officers and employees of the town, under any and all previous ordinances, shall continue in the offices and employments which they respectively hold, after this code goes into effect.
- B. Books And Property: All books, monies or other property belonging to the town and in the charge or possession of any officer of the town shall be delivered to said person's successor. (1992 Code §1-162)

1-8-4: **NEPOTISM; COMPATIBILITY OF OFFICES:**

- A. Appointment Prohibited: No member of the town board of trustees nor any other authority of the municipal government may appoint, or vote for the appointment of, any person related to said person by affinity or consanguinity within the third degree, to any office or position of profit in the municipal government.
- B. Relatives Listed: The following relatives shall be considered as within the third degree of affinity or consanguinity: sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters,

1. See also subsection 1-8A-3D of this chapter for compensation of office manager/clerical administrator.

brothers, sisters, nephews, nieces, aunts, uncles, primary cousins, mothers, fathers, mothers-in-law, fathers-in-law, grandfathers, grandmothers, grand uncles, grand aunts, great grandfathers, great grandmothers, sons-in-law, daughters-in-law, great granddaughters-in-law, brothers-in-law, sisters-in-law, nephews-in-law, nieces-in-law, aunts-in-law, uncles-in-law, primary cousins-in-law, grandfathers-in-law, grandmothers-in-law, grand uncles-in-law, grand aunts-in-law, great grandfathers-in-law, great grandmothers-in-law, grand nephews, grand nieces, grand nephews-in-law, grand nieces-in-law, stepsons, stepdaughters, stepfathers or stepmothers. A divorce decree shall be deemed to dissolve all relationships arising by that marriage.

- C. Holding More Than One Office: Except as may be otherwise provided by ordinance, the same person may hold more than one office or position in the municipal government. (1992 Code § 1-163; amd. 2005 Code)

1-8-5: SOCIAL SECURITY:

- A. Extension Of Benefits: It is hereby declared to be the policy and purpose of the town to extend 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 such policy and for that purpose, the town shall take such action as may be required by applicable state or federal laws or regulations. (1992 Code § 1-130)
- B. Execution Of Agreements: The mayor of the town is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the appropriate state department as agent or agency, to secure coverage of employees and officials as provided in subsection A of this section. (1992 Code § 1-131)
- C. Withholdings From Salaries: Withholdings from salaries or wages of employees and officials for the purpose provided in subsection A of this section 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 such laws and regulations. (1992 Code § 1-132)

- D. Contributions By Town: There shall be appropriated by the town, from available funds, such amounts at such times as may be required by applicable state or federal laws or regulations for employers' contributions to the federal social security system. Such funds shall be paid over to the state or federal agency designated by said laws or regulations. (1992 Code § 1-133)
- E. Records And Reports: The town shall keep such records and make such reports, relative to the federal social security system, as may be required by applicable state or federal laws or regulations. (1992 Code § 1-134)
- F. Excluded Officers And Employees:
1. There is hereby excluded from this section and the benefits established hereunder, 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 town.
 2. There is hereby excluded from this section and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations. (1992 Code § 1-135)

CHAPTER 8

TOWN OFFICERS AND EMPLOYEES

ARTICLE A. TOWN CLERK; OFFICE MANAGER/
CLERICAL ADMINISTRATOR

SECTION:

- 1-8A-1 : Election; Term
 1-8A-2: Powers And Duties
 1-8A-3: Office Manager/Clerical Administrator

1-8A-1: ELECTION; TERM: The town clerk is an elected official of the town, elected for a four (4) year term at a general municipal election. (2005 Code)

1-8A-2: POWERS AND DUTIES:

- A. Attend Meetings: The town clerk, as an officer of the town, shall attend all meetings of the town board of trustees and keep a journal of the proceedings of said town board.
- B. Custodian Of Documents, Records, Seal: The town clerk shall have custody of all documents, records and archives of the town, as well as be custodian of the municipal seal.
- C. Attest And Affix Seal; File Ordinances: The town clerk shall attest and affix said seal to documents as required by law or ordinance, and shall see that all ordinances passed are kept on file in the office of the town clerk. (1992 Code § 1-21)
- D. Keep Register Of Claims; Draw Warrants:
1. The town clerk shall keep a register of claims and bills filed against the town. It shall be the duty of the town clerk to keep all claims against one fund separate and apart from other funds, and each such claim shall show upon its face the particular fund to which

the same is, by law, chargeable. All claims against the town shall be filed with the town clerk.

2. The town clerk shall draw all warrants against the town treasurer, but no warrant shall be drawn until first authorized by the mayor, vice mayor or town board of trustees.

- E. Collection Of Water Rents: The town clerk shall collect all water rents on meter readings and statements supplied by the water department thereof, and shall pay all such monies collected into the town treasury. (1992 Code § 1-21; amd. 2005 Code)
- F. Report To Town Board: The town clerk shall make monthly reports to the town board of trustees at each regular meeting and at such other times as they may require, giving in detail a statement of all matters pertaining to the office.
- G. Other Powers And Duties: The town clerk shall have such other powers, duties and functions as may be prescribed by law or ordinance. (1992 Code § 1-21)

1-8A-3: OFFICE MANAGER/CLERICAL ADMINISTRATOR:

- A. Office Created: The position of office manager/clerical administrator is hereby created.
- B. Position Filled By Town Clerk: Said position shall be filled by the person serving as town clerk, unless the town board of trustees shall otherwise prescribe, by ordinance.
- C. Duties: The office manager/clerical administrator shall perform such additional office operations and maintenance duties as the town board may direct.
- D. Salary And Benefits¹: The salary for the office manager/clerical administrator shall be eight hundred sixty one dollars forty two cents (\$861.42) per month with annual percentage increases consistent with town policy applicable to other town employees subject to yearly review and approval by the town board of trustees; such salary shall not be subject to constitutional restrictions. All benefits shall be provided in accordance with municipal policy. (Ord. 228, 1-13-2005)

1. See also subsection 1-8-2A of this chapter for compensation of town clerk.

CHAPTER 8

TOWN OFFICERS AND EMPLOYEES

ARTICLE B. TOWN TREASURER

SECTION:

- 1-8B-1 : Election; Term
1-8B-2: Powers And Duties

1-8B-1: ELECTION; TERM: The town treasurer is an elected official of the town, elected for a four (4) year term at a general municipal election. (2005 Code)

1-8B-2: POWERS AND DUTIES:

- A. Deposit Funds: The town treasurer shall deposit all municipal funds which come in, in depositories, as required by law. Municipal funds may be disbursed only as provided by law.
- B. Receive And Disburse Monies; Books To Successor:
1. The town treasurer shall receive all monies due the town from any and all sources (except as are received by other officers and by them paid to the town treasurer) and payout the same on warrants ordered by the town board of trustees, signed and attested by the town clerk, with the town seal attached, and signed by the mayor.
 2. At the expiration of the term of office, the town treasurer shall deliver to the successor in office all monies, books, papers and records connected with said office.
- C. Records And Accounts; Examination:
1. The town treasurer shall so keep all accounts as to show where, and from what sources, all monies paid have been derived, and to

whom and when, such monies, or any part thereof, have been paid. (1992 Code § 1-22)

2. All books, accounts and vouchers shall at all times be subject to the examination of the town board of trustees, and it is hereby made their duty to examine the same at a regular meeting of such town board, and have settlement with the said treasurer. (1992 Code § 1-22; amd. 2005 Code)

D. Accounts Of Receipts And Disbursements:

1. The town treasurer shall keep the cash accounts of the town in a book to be kept for that purpose, which book must clearly and fully show all monies received and disbursed on behalf of the town, setting forth the date and the amount of such disbursement, and for and on what account the same was received and disbursed.

2. The town treasurer shall issue to every person from whom money is received a receipt therefor, which shall show the fund to which said money is to be applied and the purpose of the collection. One copy of said receipt shall be retained by the town treasurer and one copy thereof furnished to the town clerk.

E. Register Of Warrants:

1. The town treasurer shall keep a register of all warrants redeemed and describe each warrant by date, number and amount and the name of the payee. All warrants so redeemed shall be canceled and kept until the end of the month, and shall accompany the statement to the town board of trustees at the end of each month. Said warrants shall be examined by said town board, or a committee appointed for that purpose, at the first meeting thereafter, by comparison with the town clerk's warrant register, and checked as redeemed and permanently filed with the town clerk.

2. The town treasurer shall keep in a book for that purpose, a complete list of every bond and coupon showing the maturing date, to whom sold, the amount of payment falling due, whether principal or interest, and showing also the date of redemption of any outstanding bond or interest coupon retired.

F. Statement Of Financial Transactions: It shall be the duty of the town treasurer, at the end of each month, to report to the town board of trustees, a statement of the financial transactions of the office for the

month then ended, which statement shall be in writing and under oath, and shall set forth clearly and fully:

1. The balance in the treasury at the beginning and at the end of the month;
 2. The amount received during the month, from whom, on what account received, and to what fund applied;
 3. The amount disbursed during the month, to whom, on what account disbursed, and to what fund charged;
 4. The amount of warrants redeemed during the month, from whom received, and on what account drawn;
 5. The amount of bonds and interest coupons redeemed during the month;
 6. The amount of warrants purchased with the sinking fund, with a list thereof attached;
 7. The amount that has been credited to the respective funds, which are or may hereafter be provided by the town board of trustees; and
 8. The amount of interest, profit, compensation or money received, or to be received, from any person, bank or corporation, for the use, control or deposit of said municipal funds, together with the amount of interest earned on warrants purchased with the sinking fund.
- G. Other Powers And Duties: The town treasurer shall have such further powers and duties as may be prescribed by this code, by applicable state law or by the town board of trustees. (1992 Code § 1-22)

CHAPTER 8

TOWN OFFICERS AND EMPLOYEES

ARTICLE C. TOWN ATTORNEY

SECTION:

- 1-8C-1 : Appointment
- 1-8C-2: Powers And Duties
- 1-8C-3: Expense Allowance

1-8C-1 : APPOINTMENT: The town attorney may be appointed by the town board of trustees, on a contractual basis. (1992 Code § 1-26)

1-8C-2: POWERS AND DUTIES:

- A. Legal Advice: It shall be the duty of the town attorney to give legal advice on questions submitted by the town board of trustees, when the subject matter concerns the powers of any town officials or employees, or the performance of their duties.
- B. Draft Ordinances, Legal Forms: The town attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required or requested by the town board of trustees.
- C. Prosecute And Defend Actions: The town attorney shall be authorized to appear, prosecute and defend all actions wherein the town is a party, and shall institute proceedings in courts of law upon the order of the town board of trustees.
- D. Other Duties: The town attorney shall perform such other duties as the town board of trustees may require; provided, that such duties are included within the scope of the contractual arrangement. (1992 Code § 1-26)

1-8C-3: EXPENSE ALLOWANCE: The town attorney shall be allowed actual and necessary traveling and hotel expenses while outside the town and on official business for said town; provided, that said business has been approved and directed by the town board of trustees. (1992 Code § 1-26)

CHAPTER 9

MUNICIPAL COURT

SECTION:

- 1-9- 1: Application Of Chapter
- 1-9- 2: Jurisdiction Of Court
- 1-9- 3: Judge Of The Court
- 1-9- 4: Chief Of Police
- 1-9- 5: Town Attorney
- 1-9- 6: Clerk Of The Court
- 1-9- 7: Payment Of Fine To Court Clerk
- 1-9- 8: Traffic Violations; Procedures
- 1-9- 9: Style Of Prosecutions
- 1-9-10: Summons For Arrest
- 1-9-11 : Complaints Against Corporation
- 1-9-12: Warrant Of Arrest
- 1-9-13: Bail; Temporary Bonds
- 1-9-14: Arraignment
- 1-9-15: Postponement Of Trial
- 1-9-16: Trial Procedure
- 1-9-17: Contempt
- 1-9-18: Presence Of Defendant; Failure To Appear
- 1-9-19: Judgment
- 1-9-20: Court Costs
- 1-9-21 : Suspension Of Sentence
- 1-9-22: Penalty
- 1-9-23: Enforcement By Imprisonment

1-9-1 : APPLICATION OF CHAPTER:

- A. Date Of Operation: This chapter shall govern the organization and operation of the municipal court of the town, as put into operation and continued by resolution, duly passed and filed in accordance with state law, on and after July 7, 1970.

- B. Controlling Provisions: To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the town, the provisions of this chapter shall control. (1992 Code §11-1)

1-9-2: JURISDICTION OF COURT: The municipal court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this code or of any other ordinance of the town is charged, including any such prosecutions transferred to said court, in accordance with applicable laws. (1992 Code § 11-2)

1-9-3: JUDGE OF THE COURT:

- A. Appointment Or Designation: There shall be one judge of the municipal court, who shall be appointed by the mayor, with the consent of the town board of trustees. The mayor may be designated as judge upon approval of said town board.

- B. Qualifications:

1. The municipal judge shall be at least twenty five (25) years of age, a resident of the town (unless a licensed attorney), have a high school education (or the equivalent) and be of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but shall not accept employment inconsistent with duties as a municipal judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the court pending therein, or which might become the subject of proceedings therein.

2. If the judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine which exceeds fifty dollars (\$50.00) and may not order the defendant imprisoned, except for the nonpayment of fines or costs (see also section 1-9-22 of this chapter).

- C. Term: The official term of the municipal judge shall be two (2) years, expiring on the first Monday in May in each odd numbered year. The municipal judge, unless sooner removed for proper cause, shall serve until a successor is appointed and qualified.

- D. Rules For Conduct Of Court: The municipal judge may prescribe rules, consistent with the state constitution and laws and this code, for the proper conduct of the business of the municipal court.
- E. Alternate Judge And Acting Judge: There may be appointed an alternate judge of the municipal court, possessed of the same qualifications as the municipal judge, as set out in subsection 81 of this section.
1. Said appointment shall be for the same term and made in the same manner as the municipal judge. The acting judge shall sit in the municipal court in any case where the municipal judge is absent from the court, unable to act as municipal judge in a case.
 2. If, at any time, there is not a municipal judge or alternate judge, duly appointed and qualified, available to sit as municipal judge, the town board of trustees may appoint some person possessing the qualifications required by this chapter for the municipal judge, who shall preside as acting judge over the municipal court in the disposition of pending matters, until such time as a municipal judge or alternate judge shall be available. (1992 Code § 1-25; amd. 2005 Code)
- F. Removal: Judges shall be subject to removal from office by the town board of trustees, for the causes prescribed by the state constitution and laws for removal from public offices. Provisions of the Oklahoma administrative procedure act governing individual proceedings (75 Oklahoma Statutes sections 308 through 317, and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder, so far as they can be made applicable.
- G. Vacancies: A vacancy in the office of municipal judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office, or is removed. Upon the occurrence of a vacancy in the office of municipal judge, the mayor shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment. (1992 Code § 1-25)
- H. Compensation:
1. Judge: A judge, other than an alternate or an acting judge, shall receive a monthly salary of no less than two hundred dollars (\$200.00) and no more than four hundred dollars (\$400.00), to be

paid in the same manner as the salaries of other municipal officials. (1992 Code § 11-6; amd. 2005 Code)

2. Alternate Or Acting Judge: An alternate judge or an acting judge shall be paid, as prescribed by the town board of trustees, for each day devoted to the performance of all duties, except that, for any month, the total payments so calculated shall not exceed the salary of the municipal judge. An alternate or acting judge who sits for an entire month shall receive the amount specified by the town board of trustees as the salary of the municipal judge. (1992 Code § 1-25)

I. No Change Of Venue; Disqualification Of Judge:

1. In prosecutions before the municipal court, no change of venue shall be allowed, but the municipal judge before whom the case is pending may certify a personal disqualification or may be disqualified from sitting, under the terms, conditions and procedures provided by law for courts of record.

2. If the municipal judge is disqualified, the matter shall be heard by an alternate or acting judge, appointed as provided in this section. (1992 Code § 11-7)

1-9-4: CHIEF OF POLICE: All writs or processes of the municipal court shall be directed to the chief of police of the town, who shall be the principal officer of the court. (1992 Code § 11-8)

1-9-5: TOWN ATTORNEY: The town attorney, or a duly designated assistant, shall be the prosecuting officer of the municipal court, and shall be authorized to prosecute all alleged violations of the ordinances of the town, and to prosecute and resist appeals and proceedings in error and review from the court to any other courts of the state. The town attorney shall also be authorized to represent the town in all proceedings arising out of matters of the court. (1992 Code § 11-9)

1-9-6: CLERK OF THE COURT: The town clerk, or a designated deputy, shall be the clerk of the court. Duties of the court clerk shall include the following:

A. Assisting the municipal judge in recording the proceedings of the court and in preparing writs, processes and other papers;

- B. Administering oaths required in proceedings before the court;
- C. Entering all pleadings, processes and proceedings in the dockets of the court;
- D. Performing such other clerical duties relating to the proceedings of the court as the municipal judge shall direct;
- E. Receiving and receipting for forfeitures, fees, deposits and sums of monies payable to the court; and
- F. Assuming responsibility for placing, or having placed, all monies received (except such special deposits or fees as shall be received to be disbursed for special purposes), in the general fund of the town, or in such other fund and in such manner as the town board of trustees may direct, by motion or resolution. (1992 Code § 11-10; amd. 2005 Code)

1-9-7: PAYMENT OF FINE TO COURT CLERK¹:

- A. Payment To Court Clerk: Persons who are cited for violation of any of the traffic or other ordinances of the town may elect to pay a fine in the court clerk's office according to the bond schedule set by the town board of trustees. (Res. 2000-1, 2-10-2000; amd. 2005 Code)
- B. Court Requirements; Payment Of Fine:
 1. The court may adopt further rules to implement this section.
 2. Payment of a fine under this section shall constitute a final determination of the case against the defendant.
 3. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under other provisions of this chapter. (1992 Code § 11-11)

1-9-8: TRAFFIC VIOLATIONS; PROCEDURES¹:

- A. Conditions For Release For Traffic Violations: If a police officer observes facts which are believed to constitute a violation of the

1. See also section 6-1-8 of this code.

traffic ordinances of the town, committed by any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a violation of a town traffic ordinance, such person 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 Oklahoma, another state jurisdiction within the United States, or any participating jurisdiction of the nonresident violator compact.
2. The arresting officer is satisfied as to the identity of the arrested person. (1992 Code § 11-12)
3. The arrested person signs a written promise to appear, as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician.
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, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; (1992 Code § 11-12; amd. 2005 Code)
 - 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 an offense stated in subsections A4a through A4f of this section;
 - h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

B. Arresting Officer Duties Upon Release Of Traffic Violator:

1. 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, in writing, in a form prescribed by the town board of trustees, or a duly designated delegate:

a. Designate the traffic charge;

b. 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;

c. Record the motor vehicle make, model and tag information;

d. Record the arraignment date and time on the citation; and

e. Permit the arrested person to sign a written promise to appear as provided for in the citation.

2. 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 driver's license in Oklahoma, or in the nonresident's home state pursuant to the nonresident violator compact.

C. Continue Or Reschedule Arraignment: The court, or the court clerk, as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or an attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences, as if the continued or rescheduled arraignment were entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided, however, that the court shall require an arraignment to be had within a reasonable time. It shall remain

the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection 0 of this section.

D. Guilty Plea; Payment Of Fine: 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 a requirement to appear for arraignment, by indicating such plea on the copy of the furnished citation, or on a legible copy thereof, together with the date of the plea and a signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court, in an amount prescribed as bail for the offense; provided, however, that 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 as prescribed in this chapter as bail for the violation.

E. Failure To Appear; Warrant; License Suspension:

1. If, pursuant to the provisions of subsection 0 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, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter. The municipal 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:

a. 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;

b. The defendant has failed to appear for arraignment without good cause shown;

c. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and

d. The citation has not been satisfied, as provided by law.

2. Additionally, 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:

a. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case; or

b. 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; or

c. The violation related to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

d. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

- F. Record Of License Suspension Requests; Notification: The municipal 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 bailor 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 department 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, that 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 of Oklahoma or any political subdivision thereof, or any state department or agency, or employee

thereof. Duplicate proof shall be furnished to the person entitled thereto, upon request.

G. Residents, Issuance Of Citation: If a resident of the town is arrested by a law enforcement officer for the violation of any traffic ordinance for which subsections A through F of this section do not apply, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it; provided, however, that the arresting officer need not release said person if it reasonably appears to the officer that the person may cause self-injury or injury to 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 said person fails to appear in response to the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

H. Bail; Fine:

1. If the arrested resident is not released by being permitted to sign a citation as provided for in subsection G of this section, said person shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A fine for up to the maximum amount authorized by courts not of record may be assessed for failure of a person to have a valid driver's license, when charged with a traffic violation.

2. If a resident or nonresident of the town is arrested by a law enforcement officer for a violation of any ordinance for which subsections A through F of this section do not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

3. The amount and conditions of bail granted pursuant to the provisions of subsections G, H1 and H2 of this section shall be determined by the judge, who shall prescribe rules for the receipt of bail and for release on personal recognizance. In the event of arrests at night, emergencies, or when the judge is not available, a court official, the chief of police or a designated representative may be authorized by the judge, subject to such conditions as shall be prescribed by the judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by ordinance for each offense charged. The court official, chief of police or a designated representative is authorized, subject to such

conditions as shall be prescribed by the judge, to release a resident of the town on personal recognizance.

- I. Arraignment: If the defendant is not eligible for release upon personal recognizance, as provided for in subsections A through G of this section, or is eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the appropriate municipal jailor or custodian, to be held until a judge is available, or bail is posted as provided for by ordinance, before or after arraignment.
- J. Overweight Or Hazardous Materials Violation: If a resident or nonresident is arrested for any overweight violation, a violation of a special permit exceeding authorized permit weight, or violation relating to the transportation of hazardous material, the arresting officer may release the defendant if the defendant deposits with the arresting officer appropriate bailor payment of the fine and costs in an amount and in the form as provided in this chapter, except currency.
- K. Additional Violation: In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to subsections A through F of this section, the arresting officer, for such additional violation, may either release the defendant upon such recognizance, or require bail as provided for in this section.
- L. Inability To Post Bail: If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for in this section.
- M. Custody Of Juveniles Or Other Traffic Violators: Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender; provided, however, that the arresting officer shall not be required to:
 - 1. Place a juvenile into custody as provided for in this section.
 - 2. Place any other traffic offender into custody:
 - a. Who is injured, disabled or otherwise incapacitated; or

b. Whose custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo or items requiring special maintenance or care; or

c. Where, if extraordinary circumstances exist in the judgment of the arresting officer, custodial arrest should not be made.

3. In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

4. The provisions of this subsection shall not be construed to:

a. Create any duty on the part of the officer to release a person from custody;

b. Create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection; or

c. Create any liability upon any officer, the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

N. Parking Violations: If the alleged offense is a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator is 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 the vehicle shall be under full obligation to respond to the citation. (1992 Code § 11-12)

1-9-9: STYLE OF PROSECUTIONS: All prosecutions for violations of this code or other ordinances of the town shall be styled "The Town of Carnegie, Oklahoma, Plaintiff, vs. (naming defendant or defendants)". Except as otherwise provided with respect to traffic violations, 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. (1992 Code § 11-13)

1-9-10: SUMMONS FOR ARREST:

- A. Issuance; Contents Of Summons: Upon the filing of a complaint charging a violation of this code or other ordinances of the town, the municipal judge, unless said judge determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless said defendant has been arrested and given bond for such appearance, shall issue a summons, naming the person charged, specifying the address or place of residence (if known), stating the offense charged and giving notice to answer the charge in the municipal court on a day certain, five (5) days hence (Sundays and holidays excepted), or the next municipal court date after the summons is served, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.
- B. Serving Summons Or Warrant: The summons shall be served by delivering a copy to the defendant personally. Failure to appear and answer the summons within the prescribed period shall constitute indirect contempt of court, and a warrant shall be issued for the defendant's arrest, as provided by this chapter. (1992 Code § 11-14)

1-9-11: COMPLAINTS AGAINST CORPORATION:

- A. Issuance Of Summons: Upon complaint against a corporation being filed with the municipal judge of the town, said judge shall issue a summons in a form as outlined in this chapter, signed with the title of office, requiring the corporation to appear before said judge at a specific time and place to answer the complaint.
- B. Serving Of Summons: The summons must be served at least two (2) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, secretary, cashier or managing agent or director of the corporation.
- C. Trial Before Judge: At the time appointed in the summons, the municipal judge shall try the complaint in the same manner as in the case of any other person brought before said court.
- D. Collection Of Fine: When a fine is imposed upon conviction, it may be collected by the municipal judge making a transcript of the proceedings thereof, together with the judgment of the court duly certified and filed with the clerk of the district court, and execution

shall be issued thereon and served by the sheriff of the county, as in cases of execution generally. (1992 Code § 11-15)

1-9-12: WARRANT OF ARREST:

- A. Arrest Warrant Form: Except as may otherwise be provided in this code, upon the filing of a complaint, approved by the endorsement of the town attorney or by the municipal judge, there shall be issued a warrant of arrest.
- B. Execution Of Warrant: It shall be the duty of the chief of police to execute such warrant as promptly as possible, either: 1) personally; 2) through a duly constituted member of the police force of the town; or 3) through any other person lawfully authorized to act. (1992 Code § 11-16; amd. 2005 Code)

1-9-13: BAIL; TEMPORARY BONDS:

- A. Release Of Arrested Person Upon Signing Citation: Whenever a resident of the town is arrested for a violation of any ordinance by a police officer of the town, the officer shall immediately release such person if said individual acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause self-injury or injury to others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, an arrest warrant shall be issued and an appearance in court shall be compelled.)
- B. Resident Posting Bail: Whenever a resident of the town is arrested by a police officer of the town for the violation of any ordinance, and is not released by being permitted to sign a citation as provided in subsection A of this section, said resident shall be admitted to bail either before or after arraignment, or released on said person's own recognizance.
- C. Nonresident Posting Bail; Nontraffic Violation: Whenever a nonresident of the town is arrested by a police officer of the town for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.
- D. Traffic Violations; Method Of Posting Bail: The town may require any person who is arrested by a police officer of the town for a municipal

traffic violation to comply with statutory procedures for state traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply: (1992 Code § 11-17)

1. Posting cash bail, in exchange for a receipt therefor, issued by the arresting officer; or
2. Depositing with the arresting officer a "guaranteed arrest bond certificate". (1992 Code § 11-17; amd. 2005 Code)

E. Amount And Condition Of Bail:

1. The amount and any conditions of bail granted under this section shall be determined by the municipal judge, who shall prescribe rules for the receipt of bail and for release on personal recognizance.
2. In the *event* of arrests at night, other emergencies, or when the municipal judge is not available, the chief of police (or a designated representative) shall be authorized by the municipal judge, under such conditions as shall be prescribed by said judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no *event* shall the cash bond be more than the allowable maximum fine for each offense charged.
3. The chief of police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the municipal judge, to release a resident of the town on said person's own recognizance. (1992 Code § 11-17)

1-9-14: ARRAIGNMENT: Upon making an appearance before the municipal court, the defendant shall be arraigned. The municipal judge or the town attorney shall read the complaint to the defendant, inform said defendant of all legal rights, of the consequences of conviction, and ask whether the plea is 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, the court may proceed to try the case, or may set it for hearing at a later date. (1992 Code § 11-18)

1-9-15: POSTPONEMENT OF TRIAL: Before a trial commences in the municipal court, either party, upon good cause shown, may obtain a reasonable postponement thereof. (1992 Code § 11-19)

1-9-16: TRIAL PROCEDURE: In all trials in the municipal court as to matters not covered: a) in this chapter; b) by the statutes relating to municipal criminal courts; or c) by rules duly promulgated by the supreme court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply, to the extent that they can be made effective. (1992 Code § 11-20)

1-9-17: CONTEMPT:

- A. Obedience To Orders: Obedience to the orders, rules and judgments made by the municipal judge or by the municipal court may be enforced by said judge, who may fine or imprison for contempt committed while holding court, or committed against process issued by said judge, in the same manner and to the same extent, as the district courts of this state.
- B. Offense: It shall be an offense to be in contempt, directly or indirectly, of the municipal court of the town, and of its orders. (1992 Code § 11-21)

1-9-18: PRESENCE OF DEFENDANT; FAILURE TO APPEAR:

- A. Presence Required: The defendant must be personally present at the trial in the municipal court.
- B. Procedure Upon Failure To Appear: If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of the bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when presence in court or before the magistrate may be lawfully required, the municipal judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, said judge shall then cause the forfeiture to be certified to the Oklahoma department of public safety. (1992 Code § 11-22; amd. 2005 Code)

1-9-19: JUDGMENT:

- A. Entering In Docket: At the close of a trial in the municipal court, judgment must be rendered by the municipal judge, who shall cause it to be entered in his docket.

- B. Acquittal: If the judgment of the municipal court is of acquittal and the defendant is not to be detained for any other legal cause, said defendant must be discharged at once.
- C. Guilty Plea Or Judgment: If the defendant pleads guilty or is convicted after trial, the municipal court must render judgment thereof, fixing the penalty within the limits prescribed by this code or other applicable ordinance, and imposing sentence accordingly. (1992 Code § 11-23)

1-9-20: COURT COSTS:

- A. Costs Imposed: If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, in a sum not to exceed the amount set by state law, including the fees and mileage of witnesses, but not including court costs. (1992 Code § 11-24; amd. 2005 Code)
- B. Court Costs: Court costs shall be in addition to any fine imposed and shall not exceed the sum of twenty five dollars (\$25.00) per case plus the fees and mileage of witnesses as provided in subsection A of this section, subject to the limitations of 11 Oklahoma Statutes section 14-111 (F) and any other limitations or exceptions imposed by law. (Res. 2000-1, 2-10-2000)
- C. Officers Training Fund: For every fine or bond forfeiture of twenty five dollars (\$25.00) or more collected by the municipal court, the amount required by current state law, shall be paid to the court as a separate penalty assessment (which shall be in addition to all other fines and costs), to be used to reimburse the state law enforcement officers training fund. The town treasurer, or other individual designated by the town board of trustees, shall forward the total reimbursement to the state, as long as required by, and in accordance with, state law. (1992 Code § 11-24; amd. 2005 Code)

1-9-21: SUSPENSION OF SENTENCE: After conviction and sentence of a defendant in the municipal court of the town, the municipal judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of title 11 Oklahoma Statutes, as amended. (1992 Code § 11-26)

1-9-22: PENALTY:

A. Judge, Licensed Attorney: If the judge of the municipal court of the town is a licensed attorney, the maximum fine that may be imposed for traffic related offenses related to speeding or parking shall not exceed two hundred dollars (\$200.00). For all other offenses, the maximum fine that may be imposed shall not exceed five hundred dollars (\$500.00).

8. Judge, Not A Licensed Attorney:

1. If the judge of the municipal court of the town is not a licensed attorney but has complied with the requirements of 11 Oklahoma Statutes section 27-104(F), the maximum fine that may be imposed shall be one hundred dollars (\$100.00).

2. If the judge of the municipal court of the town is not a licensed attorney, the maximum fine that may be imposed shall be fifty dollars (\$50.00), except as provided in subsection 81 of this section. (Res. 2000-1,2-10-2000)

1-9-23: ENFORCEMENT BY IMPRISONMENT: 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 not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) per day. (1992 Code § 11-25; amd. 2005 Code)

TITLE 2
FINANCE AND TAXATION

Subject	Chapter
Financial And Business Procedures	1
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CHAPTER 1

FINANCIAL AND BUSINESS PROCEDURES

SECTION:

- 2-1-1 : Compliance With Municipal Budget Act
- 2-1-2: Purchasing Agent; Issuance Of Purchase Orders
- 2-1-3: Purchasing And Sales Procedures
- 2-1-4: Competitive Bidding
- 2-1-5: Insurance
- 2-1-6: Capital Improvements Fund
- 2-1-7: Purchasing Procedure; Payment Of Claims

2-1-1: **COMPLIANCE WITH MUNICIPAL BUDGET ACT:** The town opts to come under, and comply with, the municipal budget act, 11 Oklahoma Statutes section 17-201 et seq., with all its provisions and requirements; and the provisions of said act shall take precedence over any other state law, or municipal ordinance or resolution applicable to municipal budgets, except as may be provided otherwise in the act. (Res. 1996-1, 5-7-1996)

2-1-2: **PURCHASING AGENT; ISSUANCE OF PURCHASE ORDERS:** The town clerk is hereby designated as the municipal purchasing agent, and is authorized, without prior town board of trustees approval, to issue purchase orders for the purpose of obtaining supplies, materials, equipment or contractual services that do not exceed one hundred dollars (\$100.00) in a single transaction. Said purchase orders shall be issued only at the request, and with proper approval, of department heads to include, in addition to the town clerk, the public works authority supervisor, the chief of police and the fire chief. (Ord. 202, 5-24-1996)

2-1-3: **PURCHASING AND SALES PROCEDURES:**

- A. Definition: "Contractual services", for the purpose of this chapter, shall mean services performed for the town by persons not in the

employ of the town and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. "Contractual services" shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the town.

- B. Town Board Authority: The town board of trustees shall contract for and purchase, or issue purchase authorization for, all supplies, materials and equipment for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as said town board may prescribe, shall be given.
- C. Sale Of Surplus Supplies And Equipment; Advertising; Bids:
1. Subject to the provisions of state law and this section, surplus or obsolete supplies, materials or equipment belonging to the town may be sold by the town board of trustees.
 2. No sale shall be made under this section until the town board of trustees has declared the supplies, materials or equipment involved to be surplus or obsolete.
 3. Except as may otherwise be provided, the town board of trustees shall advertise any sale under this section in a newspaper of general circulation in the town or county, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise again. The town board of trustees shall sell such supplies, materials and equipment to the highest responsible bidder and, if necessary, shall cast lots in case of a tie to determine to whom to sell. (1992 Code § 1-60)
- D. Purchase Of Supplies, Materials And Equipment: The mayor, and/or vice mayor, subject to any regulations which the town board of trustees may prescribe, shall contract for and purchase, or issue purchase authorization for, all supplies, materials and equipment for the offices, departments and agencies of the municipal government. Every such contract or purchase exceeding one thousand dollars

(\$1,000.00) shall require the prior approval of the town board of trustees. (Ord. 203, 8-27-1997; amd. 2005 Code)

2-1-4: COMPETITIVE BIDDING:

A. Procedure For Bid Request And Acceptance:

1. Except as otherwise provided in subsection B of this section, before the town board of trustees makes any purchase of, or contract for, supplies, materials, equipment or contractual services, it shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation or invitation to bid and specifications, to give them an opportunity to bid.

2. As an alternative, the town board may publish notice of the proposed purchase in a newspaper of general circulation within the town or county.

3. The town board of trustees shall favor a person, firm or corporation in the town when this can be done without additional cost to the town, but they shall submit requests for quotation to those outside the town when necessary to secure bids or to create competitive conditions, or when they think that they can make a saving for the town.

4. All bids shall be sealed and opened in public at a designated time and place. The town board of trustees may repeatedly reject all bids and may again submit to the same or other persons, firms or corporations, the request for quotations or invitation to bid, or again publish notice of the proposed purchase.

5. The town board of trustees shall purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and the like.

6. In the event of a tie, the town board may cast lots to determine from whom to make a purchase, or may divide the purchase among those bidding, always accepting the bids most advantageous to the town. (1992 Code § 1-61)

- B. Purchases Allowed Without Bid: The town board of trustees may purchase, or authorize the purchase of, the following without giving an opportunity for competitive bidding:
1. Supplies, materials, equipment or contractual services of a nonprofessional nature, the cost of which does not exceed twenty five thousand dollars (\$25,000.00) in a single transaction;
 2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which has 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;
 4. Contractual services (gas, electricity, telephone service, etc.) purchased from a public utility corporation, commission or other government authority; or
 5. Contractual services of a professional nature such as engineering, legal, architectural and medical services, subject to other policies adopted by the town board governing such procurement. (1992 Code § 1-61; amd. 2005 Code)

2-1-5: INSURANCE:

- A. Municipal Property: The town board of trustees may insure municipal property, as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used, as provided by said statutes.
- B. Property Of Individuals Damaged By Vehicles Or Equipment: The town board of trustees may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the town.
- C. Health Insurance:
1. The town board of trustees may provide hospital, health and medical insurance, through any company authorized to do business in Oklahoma, for any or all of its officers or employees and their

dependents, whether said officers or employees are engaged in governmental or nongovernmental functions of the town.

2. The town board may pay a portion or all of said premiums from any municipal funds, and may deduct from the wages or salary of any such officer or employee, upon written authority signed by the officer or employee, amounts for the payment of all or any portion of the monthly premium for same. (1992 Code § 1-62)

2-1-6: CAPITAL IMPROVEMENTS FUND:

- A. Fund Created: There is hereby created and established a capital improvements fund for the town, which shall not be subject to fiscal operations.
- B. Disposition Of Proceeds: The proceeds of said fund, together with any interest and increments thereto, may, at the discretion of the town board of trustees, be used for the following purposes only:
1. To meet principal and interest requirements on general obligation bonds;
 2. When general obligation bond requirements are met, to make cash expenditures for capital improvements or equipment for street, electric, water, storm drainage, or sewer purposes; or
 3. Where transfers from said fund or any part thereof to a sinking fund or other appropriate municipal or trust funds are necessary to accomplish such purposes, the town board is authorized to make such transfer of funds. (1992 Code § 1-63)

2-1-7: PURCHASING PROCEDURE; PAYMENT OF CLAIMS:

- A. Determination Of Available Appropriation; Approval:
1. For all purchases of goods or services less than one thousand dollars (\$1,000.00), the approved purchase order or contract shall be forwarded to an officer or employee charged with the appropriation and expenditure records who shall determine that there exists available appropriation in the accounts to be charged. Upon such determination, the officer or employee shall attest to that fact in writing.

2. If appropriation is not available for the proposed purchase or commitment, the purchase or commitment shall not proceed until budget amendments are authorized to provide sufficient appropriation.

3. Upon approval of the purchasing agent and officer or employee charged with keeping the appropriation and expenditure records, the original copy of the purchase order shall be filed in a pending file awaiting delivery of the goods or services.

B. Delivery Of Merchandise Or Contract; Submitting Invoices:

1. After satisfactory delivery of the merchandise or completion of contract provisions, an invoice or claim form shall be obtained adequately documenting request for payment. The officer or employee receiving satisfactory delivery of merchandise or contract service shall acknowledge such fact by signing the invoice, claim form, delivery ticket or receiving invoice.

2. The invoice or claims form, along with the written acknowledgment of receipt, shall be forwarded to the town clerk who shall review the invoice for accuracy and propriety, including comparison to the authorized requisition, purchase order or contract, if applicable.

3. Upon completion of the town clerk's review, the invoices or claim forms (except those to be paid with federal or state monies) along with the related supporting documentation shall be submitted to the mayor or vice mayor for consideration and approval of payment, along with an accompanying invoice or claims listing, which shall be approved in writing by the mayor or vice mayor.

C. Submitting Claims To Treasurer:

1. Upon approval of the invoices or claims for payment, checks (warrants) or other payment documents as authorized by state law¹ shall be prepared and submitted to the town treasurer, along with a copy of the approved invoice or claims listing.

2. The treasurer shall compare the checks (warrants) or other payment documents to the invoice or claims listing and verify their accuracy. Upon verification, the treasurer, town clerk and mayor or

1.11 aS § 17-102.

vice mayor, shall sign the checks (warrants) or other documents and prepare them for distribution.

- D. Recording Of Disbursements: The town clerk shall record or cause to be recorded in the appropriate journals and ledgers the purchases and cash disbursements incurred and paid.
- E. Copies Of Approved Claims To Town Board: A copy of the approved invoice or claims list and/or check (warrant) register may be provided to the board of trustees for informational purposes; however, town board approval is not required prior to the payment of the invoices or claims if incurred and paid in accordance with the provisions above. (Ord. 224,3-11-2004)

CHAPTER 2

MUNICIPAL TAXES

ARTICLE A. SALES TAX

SECTION:

- 2-2A- 1: Short Title
- 2-2A- 2: Definitions
- 2-2A- 3: Classification Of Taxpayers
- 2-2A- 4: Subsisting State Permits
- 2-2A- 5: Effective Date
- 2-2A- 6: Purpose Of Revenues
- 2-2A- 7: Tax Imposed
- 2-2A- 8: Sales Subject To Tax; Exemptions
- 2-2A- 9: Tax Due Date
- 2-2A-10: Payment Of Tax; Brackets
- 2-2A-11 : Tax Constitutes Debt
- 2-2A-12: Collection By Vendors
- 2-2A-13: Returns, Remittances And Discounts
- 2-2A-14: Delinquencies; Interest And Penalties
- 2-2A-15: Refund Of Erroneous Payments
- 2-2A-16: Fraudulent Returns
- 2-2A-17: Records Confidential
- 2-2A-18: Amendments
- 2-2A-19: Provisions Cumulative

2-2A-1: SHORT TITLE: This article shall constitute, shall be known and may be cited as, the *TOWN OF CARNEGIE, OKLAHOMA, SALES TAX ORDINANCE*. (1992 Code § 1-70)

2-2A-2: DEFINITIONS:

A. Statute Definitions Adopted: The definitions of words, terms, and phrases contained in the Oklahoma sales tax code, 68 Oklahoma Statutes sections 1352 and 1352.1, as amended, are hereby

adopted by reference and made a part of this article. (1992 Code § 1-71; amd. 2005 Code)

- B. Tax Collector Defined: The term "tax collector" as used herein means the department of the town government or the official agency of the state duly designated according to law, or contractually authorized by law, to administer the collection of the tax herein levied. (1992 Code § 1-72)

2-2A-3: CLASSIFICATION OF TAXPAYERS: For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state statutes for purposes of the Oklahoma sales tax code¹. (1992 Code § 1-73)

2-2A-4: SUBSISTING STATE PERMITS: All valid and subsisting permits to do business issued by the Oklahoma tax commission pursuant to the Oklahoma sales tax code are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose. (1992 Code § 1-74)

2-2A-5: EFFECTIVE DATE: This article shall become and be effective, including its most current level, on and after July 1, 1978, subject to the approval of a majority of the registered voters of the town voting on the same, in the manner prescribed by Oklahoma Statutes. (1992 Code § 1-75)

2-2A-6: PURPOSE OF REVENUES:

- A. Nonspecified Functions: It is hereby declared to be the purpose of this sales tax article to provide a three percent (3%) tax to generate revenues for the support of all nonspecified functions of the municipal government of the town.
- B. Tri-County Municipal Hospital: An additional tax of one percent (1 %) shall provide revenue for the support of the Carnegie Tri-County Municipal Hospital. (Ord. 210, 11-8-2001)

1. 68 AS § 1350 et seq.

2-2A-7: TAX IMPOSED: 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 sales tax law of Oklahoma. (1992 Code § 1-77; amd. Ord. 210, 11-8-2001; 2005 Code)

2-2A-8: SALES SUBJECT TO TAX; EXEMPTIONS: The town sales tax shall be levied upon the gross receipts or gross proceeds of such sales as specified by the Oklahoma sales tax code, and exemptions from such taxes shall be allowed pursuant to said Oklahoma sales tax code. (2005 Code)

2-2A-9: TAX DUE DATE: The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the sales tax law of the state of Oklahoma. (1992 Code § 1-80)

2-2A-10: PAYMENT OF TAX; BRACKETS:

- A. The tax herein levied shall be paid to the tax collector at the time and in the manner and form provided for payment of the state sales tax under the sales tax law of Oklahoma. (1992 Code § 1-81)
- B. The bracket system for the collection of the town sales tax by the tax collector shall be as the same is hereafter adopted by the agreement of the town and the tax collector in the collection of both the town sales tax and the state sales tax. (1992 Code § 1-81; amd. 2005 Code)

2-2A-11: TAX CONSTITUTES DEBT: Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (1992 Code § 1-82)

2-2A-12: COLLECTION BY VENDORS:

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in the town to collect from the consumer or user, the full amount of the tax

levied by this article, 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 by law in the same manner as other debts.
- C. A vendor who wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this article, or wilfully or intentionally fails, neglects or refuses to comply with these provisions, or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that the vendor is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense. (1992 Code § 1-83)

2-2A-13: RETURNS, REMITTANCES AND 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; remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state sales tax. (1992 Code § 1-84)

2-2A-14: DELINQUENCIES; INTEREST AND PENALTIES:

- A. Failure To Pay Tax: 68 Oklahoma Statutes section 217, as amended, is hereby adopted and made a part of this article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. 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 article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit all claim to any discount allowed under this article. (1992 Code § 1-85)

- B. Waiver: The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the town sales tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the state sales tax provided in 68 Oklahoma Statutes section 220. To accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article. (1992 Code § 1-86)

2-2A-15: REFUND OF ERRONEOUS PAYMENTS: Refund of erroneous payment of the town 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 sales tax as set forth in 68 Oklahoma Statutes section 227, and, to accomplish the purposes of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this article. (1992 Code § 1-87)

2-2A-16: FRAUDULENT RETURNS: In addition to all civil penalties provided by this article, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax, or portion thereof, rightfully due under this article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than the limits established in section 1-9-22 of this code. (1992 Code § 1-88)

2-2A-17: RECORDS CONFIDENTIAL: The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared, and to protect the same, the provisions of 68 Oklahoma Statutes section 205, as amended, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax, as if set forth herein in full. (1992 Code § 1-89)

2-2A-18: AMENDMENTS: The people of the town, by their approval of these ordinances at the elections hereinbefore noted, have authorized the town board of trustees, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcement of this article as may be

2-2A-18

2-2A-19

necessary or proper for efficiency and fairness; provided, that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the town, as provided by law. (1992 Code § 1-90)

2-2A-19: PROVISIONS CUMULATIVE: The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of town ordinances. (1992 Code § 1-91)

CHAPTER 2

MUNICIPAL TAXES

ARTICLE B. USE TAX

SECTION:

- 2-28- 1: Short Title
- 2-28- 2: Definitions
- 2-28- 3: Classification Of Taxpayers
- 2-28- 4: Subsisting State Permits
- 2-28- 5: Purpose Of Revenues
- 2-28- 6: Tax Imposed; Subjects Of Taxation
- 2-28- 7: Exemptions From Tax
- 2-28- 8: Tax Due Date
- 2-28- 9: Tax Constitutes Debt
- 2-28-10: Collection Of Tax
- 2-28-11 : Revoking Permits
- 2-28-12: Remunerative Deductions
- 2-28-13: Delinquencies; Interest And Penalties
- 2-28-14: Refund Of Erroneous Payments
- 2-28-15: Fraudulent Returns
- 2-28-16: Records Confidential
- 2-28-17: Provisions Cumulative

2-28-1 : SHORT TITLE: This article shall be known and may be cited as the *TOWN OF CARNEGIE USE TAX ORDINANCE. (2005 Code)*

2-28-2: DEFINITIONS: The definitions of words, terms and phrases contained in the Oklahoma use tax code, 68 Oklahoma Statutes section 1401, are hereby adopted by reference and made a part of this article. In addition thereto, the following words and terms shall be defined as follows:

TAX COLLECTOR: The department of the town or the official agency of the state duly designated, according to law or contract authorized by law, to administer the collection of the use tax herein levied.

TOWN: The town of Carnegie, Oklahoma.

TRANSACTION: Sale. (1992 Code § 1-114)

2-28-3: CLASSIFICATION OF TAXPAYERS: For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma use tax code¹. (1992 Code § 1-115)

2-28-4: SUBSISTING STATE PERMITS: All valid and subsisting permits to do business issued by the Oklahoma tax commission pursuant to the Oklahoma use tax code are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose. (1992 Code § 1-116)

2-28-5: PURPOSE OF REVENUES: It is hereby declared to be the purpose of this article to provide revenues for the support of the functions of the municipal government of the town, and any and all revenues derived hereunder may be expended by the town board of trustees for any purpose for which funds may be lawfully expended and authorized. (1992 Code § 1-117)

2-28-6: TAX IMPOSED; SUBJECTS OF TAXATION: There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the town, tangible, personal property purchased or brought into the town, an excise tax on the storage, use or otherwise consuming within the town 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 town, tangible, personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or

1. 68 OS § 1401 et seq.

storage of the property within the town 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 town, but which is stored in the town pending shipment outside the town or which is temporarily retained in the town for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the use tax authorized herein may deduct from such use tax any local or town 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 town had been levied on the sale of such goods or services. (Ord. 210, 12-11-2001, eft. 1-1-2002)

2-28-7: EXEMPTIONS FROM TAX: The provisions of this article shall not apply:

- A. In respect to the use of an article of tangible, personal property brought into the town by a nonresident individual visiting in the town for his or her personal use or enjoyment while within the town.
8. In respect to the use of tangible, personal property purchased for resale before being used.
- C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma use tax code and the town use tax ordinance, has been paid by the person using such tangible, personal property in the town, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma use tax code and the town use tax ordinance, the provisions of this article shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma use tax code and the town 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 town.
- D. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the town.

- E. In respect to the use of any article of tangible, personal property brought into the town by an individual with intent to become a resident of this town where such personal property is for such individual's personal use or enjoyment.
- F. In respect to the use of any article of tangible, personal property used, or to be used, by commercial airlines or railroads.
- G. In respect to livestock purchased outside Oklahoma and brought into the town for feeding or breeding purposes, and which is later resold. (1992 Code § 1-101; amd. 2005 Code)

2-28-8: TAX DUE DATE: The tax levied by this article is due and payable at the time and in the manner and form prescribed for payment of the state use tax under the use tax code of the state of Oklahoma. (1992 Code § 1-102)

2-28-9: TAX CONSTITUTES DEBT: Such taxes, penalty or 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 with any other debt. (1992 Code § 1-103)

2-28-10: COLLECTION OF TAX:

- A. 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 the town shall, at the time of making such sales, collect the use tax levied by this article from the purchaser and give the purchaser a receipt therefor in the manner and form prescribed by the Oklahoma tax commission, if said tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with said tax commission the name and address of all his agents operating in the town and location of any and all distribution or sales houses or offices or other places of business in the town. (1992 Code § 1-104)
- B. Place Of Business Not Maintained Within State Or Both Within And Without State:

1. The Oklahoma tax commission may, at its discretion, upon application, authorize the collection of the use 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 the town, 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 place of business for use in the town.

2. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by said tax commission, in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the use tax upon all tangible, personal property sold to his knowledge for use within the town.

3. Such authority and permit may be canceled when, at any time, said tax commission considers that such use tax can more effectively be collected from the person using such property in the town; provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the town 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 town sales tax at the point of delivery and the tax shall be collected and reported under the taxpayer's sales tax permit number accordingly. (1992 Code § 1-105)

2-28-11: **REVOKING PERMITS:** Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, authorized to collect the use tax herein levied, fails to comply with any of the provisions of this article or the Oklahoma use tax code or any orders, rules or regulations of the Oklahoma tax commission, said tax commission may, upon notice and hearing as provided for in 68 Oklahoma Statutes 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 the notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this article, the Oklahoma use tax code, or any orders, rules or regulations of the Oklahoma tax commission. (1992 Code § 1-106)

2-28-12: REMUNERATIVE DEDUCTIONS: Returns and remittances of the use tax herein levied and collected shall be made to the Oklahoma tax commission at the time and in the manner, form and amount prescribed for returns and remittances required by the Oklahoma use tax code; and remittances of use taxes collected hereunder shall be subject to the same discount as may be allowed by said code for the collection of state use taxes. (1992 Code § 1-107)

2-28-13: DELINQUENCIES; INTEREST AND PENALTIES:

A. Failure To Pay Tax: 68 Oklahoma Statutes section 217 is hereby adopted and made a part of this article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the use tax levied by this article; provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of use tax in the time and manner required by this article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this article. (1992 Code § 1-108)

8. Waiver Of Interest And Penalties: The interest or penalty, or any portion thereof, accruing by reason of a retailer's or vendor's failure to pay the use tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the state use tax provided in 68 Oklahoma Statutes section 220; and to accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article. (1992 Code § 109; amd. 2005 Code)

2-28-14: REFUND OF ERRONEOUS PAYMENTS: Refund of erroneous payment of the town use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, provided for administration of the state use tax as set forth in 68 Oklahoma Statutes section 227; and to accomplish the purpose of this section, the applicable provisions of said section 227 are hereby adopted by reference and made a part of this article. (1992 Code § 1-110)

2-28-15: **FRAUDULENT RETURNS:** In addition to all civil penalties provided by this article, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any use tax, or portion thereof, the offending taxpayer shall be punished by a fine in an amount not to exceed the limits established in section 1-9-22 of this code. (1992 Code § 1-111)

2-28-16: **RECORDS CONFIDENTIAL:** The confidential and privileged nature of the records and files concerning the administration of the town use tax is legislatively recognized and declared, and to protect the same, the provisions of 68 Oklahoma Statutes section 205, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town use tax, as if herein set forth in full. (1992 Code § 1-112)

2-28-17: **PROVISIONS CUMULATIVE:** The provisions of this article shall be cumulative, and in addition to any and all other taxing provisions of town ordinances. (1992 Code § 1-113)

CHAPTER 2

MUNICIPAL TAXES

ARTICLE C. UTILITY TAX

SECTION:

- 2-2C-1 : Tax Imposed
- 2-2C-2: Application Of Tax
- 2-2C-3: Term; Due Date; Disposition
- 2-2C-4: Failure To Pay Tax
- 2-2C-5: Lien For Tax

2-2C-1: **TAX IMPOSED:** The town board of trustees, being vested with power so to do, does hereby levy and assess an annual tax upon the gross receipts from residential and commercial sales of power, light, heat, electricity, water or both natural and liquefied petroleum gas in the town, in the amount of two percent (2%) of the gross receipts from said residential and commercial sales. This tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the town. (1992 Code §1-150)

2-2C-2: **APPLICATION OF TAX:** The tax authorized to be levied under section 2-2C-1 of this article shall be levied at the time this article shall take effect and shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, electricity, water or both natural and liquefied petroleum gas in the town. It shall not apply to any person, firm, association or corporation operating under a valid franchise from the town, and said exception shall be so stated in said valid franchise. (1992 Code § 1-151)

2-2C-3: **TERM; DUE DATE; DISPOSITION:**

- A. Term: This tax that is now levied under section 2-2C-1 of this article shall be levied for a term of not less than one year and shall continue in effect until further amended or repealed.

- B. Due Date; Disposition: Said tax shall be payable quarterly to the town clerk and placed in the general fund of the town. (1992 Code §1-152)

2-2C-4: FAILURE TO PAY TAX: Should any person, firm or corporation fail or refuse to pay such tax when levied, action may be taken against such person, firm or corporation for the amount of such tax. All expenses for collection of the same, including reasonable attorney fees, shall be paid by the party or parties that said action is taken against. (1992 Code § 1-153)

2-2C-5: LIEN FOR TAX: The tax so imposed shall constitute a first and prior lien on all the assets located within the town, of any person, firm or corporation engaged in the business of selling power, light, heat, electricity, water or natural and liquefied petroleum gas. (1992 Code § 1-154)

CHAPTER 3

TELEPHONE EXCHANGE FEE

SECTION:

- 2-3-1: Inspection Fee Imposed
- 2-3-2: Fee In Lieu Of Taxes
- 2-3-3: Failure To Pay Inspection Fee

2-3-1: INSPECTION FEE IMPOSED: There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the town, in an amount equal to two percent (2%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the town, to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, policy regulation and control during construction and operation of lines and equipment of said telephone company in the town. Said fee shall be due and payable on or before March 1 of each year and shall be paid into, and expended from, the general fund of the town. (1992 Code § 1-140)

2-3-2: FEE IN LIEU OF TAXES: During continued substantial compliance with the terms of this article by the owner of the telephone exchange (or company rendering telephone service within the limits of the town), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments, except ad valorem taxes; provided, that it is not intended hereby to extinguish or abrogate all existing arrangements whereby the town is permitted to use any underground conduits, duct space or pole contracts of said company. (1992 Code § 1-141)

2-3-3: **FAILURE TO PAY INSPECTION FEE:** Should any person, firm or corporation fail or refuse to pay such fee when levied, action may be taken against such person, firm or corporation for the amount of such fees. All expenses for collection of the same, including reasonable attorney fees, shall be paid by the party or parties that said action is taken against. (1992 Code § 1-142)

TITLE 3
BUSINESS AND LICENSE REGULATIONS

Subject	Chapter
Miscellaneous Businesses And Regulations	1
Alcoholic Beverages	2
Low Point Beer	2A
Peddlers And Itinerant Occupations	3
Childcare Centers	4
Recreation Centers	5

CHAPTER 1

MISCELLANEOUS BUSINESSES AND REGULATIONS

SECTION:

- 3-1-1 : Shooting Galleries
- 3-1-2: Junkyards And Salvage Yards
- 3-1-3: Sales On Vacant Property
- 3-1-4: Short Weights And Measures Prohibited
- 3-1-5: Penalty

3-1-1: SHOOTING GALLERIES:

- A. Compliance With State Law: Every shooting gallery constructed, established, set up or operated hereafter, either permanently or temporarily, within the corporate limits of the town, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of 63 Oklahoma Statutes sections 701 through 708, as amended, and shall comply with all the requirements thereof.
- B. Licensing Required: No shooting gallery shall be operated until any licenses required by this code have been secured therefor. (1992 Code § 5-71)
- C. License Fee: The annual fee for the license for the operation of a shooting gallery shall be as set by the board of trustees. (2005 Code)

3-1-2: JUNKYARDS AND SALVAGE YARDS:

- A. Definition: For the purpose of this section, the terms "junkyard" or "salvage yard" shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile

graveyard. Said terms shall also include garbage dumps and sanitary landfills. (1992 Code § 5-73)

- B. Licensing Required: No junkyard or salvage yard shall be operated until any licenses required by this code have been secured therefor.
- C. License Fee: The annual fee for the license for the operation of a junkyard or salvage yard shall be as set by the board of trustees. (2005 Code)
- D. Location: No junkyard or salvage yard shall be located nearer than fifty feet (50') to any right of way or residential area.
- E. Screening From View: All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sightproof fence (with a minimum height of at least 8 feet), or such material as may be approved by the town board of trustees, or by the planting of appropriately sized shrubbery.
- F. Operation To Create Public Nuisance Prohibited: No junkyard or salvage yard shall be operated in such a manner as to cause the creation of a public nuisance to the health, safety and welfare of the residents of the surrounding areas. (1992 Code § 5-73; amd. 2005 Code)

3-1-3: SALES ON VACANT PROPERTY: It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property without the consent of the owner or person in control of said property. (1992 Code § 5-70)

3-1-4: SHORT WEIGHTS AND MEASURES PROHIBITED: It shall be unlawful for any person, firm or corporation to sell or offer for sale, any food, fuel, clothing or any other commodity which does not weigh or measure fully as much, according to standard weights or measures of the state of Oklahoma, as the weight or measure for which it is sold or offered for sale. (1992 Code § 5-72)

3-1-5: PENALTY: Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in

section 1-9-22 of this code, and is subject to having any license obtained by such person revoked. Each day upon which a violation continues shall constitute a separate offense. Conviction shall also void any and all licenses and permits issued under the provisions of this chapter, to the person, firm or corporation in violation of said provisions. (1992 Code § 5-100)

CHAPTER 2

ALCOHOLIC BEVERAGES

SECTION:

- 3-2-1: Oklahoma Alcoholic Beverage Control Act Adopted
- 3-2-2: Definitions And Interpretations
- 3-2-3: Occupation Tax; State License; Reporting
- 3-2-4: Retail Package Stores, Requirements And Restrictions
- 3-2-5: Private Clubs, Certificates Of Compliance
- 3-2-6: Minors
- 3-2-7: Penalty

3-2-1: **OKLAHOMA ALCOHOLIC BEVERAGE CONTROL ACT ADOPTED:** The Oklahoma alcoholic beverage control act¹ is hereby adopted and incorporated by reference in this chapter; applicable provisions of the act are hereby declared to be in full force, as if included herein in complete detail. (1992 Code § 2-1)

3-2-2: **DEFINITIONS AND INTERPRETATIONS:**

- A. Adoption Of Definitions In Statute: All words, phrases and terms used in this and other chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma alcoholic beverage control
- B. Intoxicating Beverages: Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be "intoxicating beverages". (1992 Code § 2-2)
- C. Low Point Beer: Beverages containing more than one-half of one percent (0.5%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight, are hereby declared to be "low point beer". (1992 Code § 2-2; amd. 2005 Code)

1. 37 aS §§ 501 through 566.

2. 37 aS § 506.

3-2-3: OCCUPATION TAX; STATE LICENSE; REPORTING:

- A. Tax Amounts: An annual municipal occupation tax is hereby levied on persons engaging in the businesses *covered* by this chapter, in such amounts as set by the town board of trustees, and in compliance with 37 Oklahoma Statutes section 518.
- B. Brewer Or Class B Wholesaler: If a brewer or a class B wholesaler also holds a license from the state to manufacture or wholesale any low point beer, the municipal occupation tax for such brewer or class B wholesaler shall be reduced by *seventy five percent (75%)*.
- C. Payment Of Tax; License Requirement: It shall be unlawful for any person to engage in any of the businesses *covered* by this chapter without having paid the municipal occupation tax and obtaining a valid license from the town clerk. If the applicant holds a valid state license to engage in said business within the town, is operating in compliance with town ordinances and has paid the required municipal occupation tax, the town clerk shall issue the license applied for.
- D. Term Of License; Prorate Fee: All licenses issued pursuant to this chapter shall expire annually unless a specific date is required. The cost of any type license shall be a pro rata part of the cost of said yearly license, computed on a monthly basis. Licenses issued on or before the fifteenth day of any month shall be charged for on the basis of the first day of said month; licenses issued after the fifteenth day of any month shall be charged for on the basis of the first day of the next month.
- E. Report Town Licenses To State: The town clerk shall transmit a report to the state alcoholic *beverage* laws (ABLE) commission on June 30 of each year, showing the amount of money collected and the number of municipal occupation tax licenses issued under this chapter. (1992 Code § 2-5; amd. 2005 Code)

3-2-4: RETAIL PACKAGE STORES, REQUIREMENTS AND RESTRICTIONS:

- A. Location: The location of a retail package store is specifically prohibited within three hundred feet (300') of a public school, or any church property primarily and regularly used for worship services and religious activities; provided, that, if any such church or school shall be established within three hundred feet (300') of any licensed

retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest perimeter wall of the premises of such package store, along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for a location on the same block where a school or church is located. (1992 Code § 2-6; amd. 2005 Code)

B. Separate Premises:

1. It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by nontransparent walls (which may be broken by a passageway to which the public is not admitted).

2. It shall be unlawful for any person to take any alcoholic beverage from such store through said passageway to which the public is not admitted, for the purpose of selling, reselling or delivering in connection with the sale of, said alcoholic beverages.

C. Hours Of Operation: It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of ten o'clock (10:00) A.M. and nine o'clock (9:00) P.M., Monday through Saturday; or to keep such premises open for such purposes on the day of any general, primary, runoff primary or special election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.

D. Beverage Sales In Original Package, Room Temperature: Retail package stores may sell alcoholic beverages: 1) only in retail containers in the original package for consumption off the premises; and 2) only at ordinary room temperature.

- E. Sales Restrictions: It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to: (1992 Code § 2-6)
1. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty one (21) years of age, an intoxicated person or any person who has been legally adjudged mentally deficient; (1992 Code § 2-6; amd. 2005 Code)
 2. Employ any person under twenty one (21) years of age in the selling or handling of alcoholic beverages;
 3. Permit any person under twenty one (21) years of age to enter into, remain within or loiter about a licensed premises; or
 4. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store. (1992 Code § 2-6)

3-2-5: PRIVATE CLUBS, CERTIFICATES OF COMPLIANCE:

- A. Application For Certificates; Fee: Every applicant for certificates of compliance with the fire, health and safety codes of the town, required by title 37 of Oklahoma Statutes, for premises proposed for club operations, shall apply at the office of the town clerk by:
1. Filing a written application on forms prescribed by that office; and
 2. Paying a verification and certification fee in such amount as set by the board of trustees at the time of filing.
- B. Investigation: Upon receipt of completed applications for certificates of compliance, the town clerk shall cause an investigation to be made to determine whether the premises proposed for club operations comply with the provisions of any applicable development regulations and any health, fire, building and other safety codes applicable to it.
- C. Signatures Required: The above certificates of code compliance shall be signed by the town clerk or a designated representative of the town clerk. (1992 Code § 2-30; amd. 2005 Code)

3-2-6: MINORS: It shall be an offense for any person to sell, barter, trade, give or otherwise transfer possession of any alcoholic beverages or low point beer to any person under the legal age permitted to possess or consume such beverages. (1992 Code § 2-31; amd. 2005 Code)

3-2-7: PENALTY: Any person, firm or corporation violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in section 1-9-22 of this code. Each day upon which a violation continues shall constitute a separate offense. (1992 Code § 2-50)

CHAPTER 2

ALCOHOLIC BEVERAGES

ARTICLE A. LOW POINT BEER

SECTION:

- 3-2A-1 : Retail Dealer Defined
- 3-2A-2: Licensing Requirements; Fees
- 3-2A-3: Retail Dealers, Operation Restrictions
- 3-2A-4: Hours Of Sale
- 3-2A-5: Penalty

3-2A-1: **RETAIL DEALER DEFINED:** The term "retail dealer", as used in this article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any low point beer within the corporate limits of the town, without regard as to any place where such beverages may be consumed or used. (1992 Code § 2-20; amd. 2005 Code)

3-2A-2: **LICENSING REQUIREMENTS; FEES:**

A. **License Required:** It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any low point beer without having first received a town license, as herein required.

B. **Annual License Fees; License Nontransferable:**

1. There is hereby levied upon each retail dealer of low point beer for consumption "on and off the premises", or for consumption "either on or off the premises" such annual fees as set by the board of trustees, and in compliance with 37 Oklahoma Statutes section 163.10. (1992 Code § 2-21; amd. 2005 Code)

2. All such licenses shall expire on June 30 of the year following reissuance.

3. License fees shall be paid to the town clerk and no license shall be transferable.

- C. Compliance With State And County Permits, Regulations: No town license shall be issued to any retail dealer by the town clerk until the applicant has obtained all required state and county permits, and has, in all other respects, complied with the Oklahoma alcoholic beverage control act'.
- D. License Revocation; Hearing: The town board of trustees shall have the power, after public hearing, to revoke any license granted hereunder, for violation of law or ordinance by the license holder. (1992 Code § 2-21)

3-2A-3: RETAIL DEALERS, OPERATION RESTRICTIONS: It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where low point beer is sold for consumption on the premises, or for any person in charge thereof, to:

- A. Sell, offer for sale, give away, procure for, or otherwise dispense to, any person under twenty one (21) years of age, any low point beer.
- B. Permit any person under twenty one (21) years of age to loiter or remain in or around such place of business, except where such business is an eating place where the service of such beverages is incidental to the main business of serving food.
- C. Employ any person under twenty one (21) years of age to work in such a place, except where said place is an eating place where the service of such beverages is incidental to the main business of serving food.
- D. Sell, deliver or knowingly furnish low point beer to an intoxicated person or to any person who has been legally adjudged mentally deficient;
- E. Permit therein gambling, betting or operation of a lottery.
- F. Permit the sale, furnishing or drinking of intoxicating liquor.

1. 37 aS § 501 et seq.

- G. Permit disorderly conduct, loud or disturbing language or any other violation of state law or of this code.
- H. Permit an intoxicated person to remain in or around a place of business where low point beer is dispensed. (1992 Code § 2-22; amd. 2005 Code)

3-2A-4: HOURS OF SALE:

- A. Closing Hours: It shall be unlawful and an offense for low point beer to be sold, given away or otherwise dispensed for consumption on the premises between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any day.
- B. Sunday Sales Prohibited: It shall be unlawful and an offense for low point beer to be sold, given away or otherwise dispensed for consumption on the premises, between the hours of two o'clock (2:00) A.M. Sunday and seven o'clock (7:00) A.M. on the following Monday.
- C. Persons Prohibited On Premises: It shall be unlawful for any person, other than the legal owner or primarily responsible, salaried employee to remain on the premises of a place of business where low point beer is dispensed for consumption on the premises, between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any day or when the premises are legally closed. (1992 Code § 2-23; amd. 2005 Code)

3-2A-5: PENALTY: See section 3-2-7 of this chapter for penalty provisions. (2005 Code)

CHAPTER 3

PEDDLERS AND ITINERANT OCCUPATIONS

SECTION:

- 3-3-1 : Definitions
- 3-3-2: License Required; Exclusions
- 3-3-3: Application For License
- 3-3-4: License Fees
- 3-3-5: Hours Of Solicitation; Transfer And Exhibition Of License
- 3-3-6: Revocation Of License
- 3-3-7: Penalty

- 3-3-1: DEFINITIONS: As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

ITINERANT OCCUPATION: Those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the town, at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this chapter), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house to house solicitation or upon the streets and sidewalks of the town; provided, however, that no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and bylaws of said organization, association or club and the majority of said members being residents of the

town, or of Caddo County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation".

PEDDLER: Shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who does not travel from place to place, and shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.

PERSON: Any individual, and shall not extend and be applied to firms, corporations or any other organizations.

SOLICITOR AND CANVASSER: A person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders from the same for goods, wares, merchandise or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future. (1992 Code § 5-1)

3-3-2: **LICENSE REQUIRED; EXCLUSIONS:**

A. **License Required; Payment Of Fee:**

1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the town without first obtaining a license therefor, as provided in this chapter, and paying the prescribed fees.

2. The fee shall be paid to the town clerk when the application is filed and shall not be returnable under any circumstances. The town board of trustees, from time to time, may change such fee by ordinance, to an amount not to exceed the reasonable costs of licensing and enforcement under this chapter.

- B. Exclusions: The following persons are hereby specifically excluded from the application of the provisions of this chapter:
1. Persons engaged in selling personal property at wholesale to dealers in such property.
 2. Merchants growing their own local produce, and having regular places of business in the town, and their employees, in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered. Such exclusion shall not apply to a person who, personally or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the town, for the purpose of exhibiting samples and taking orders for future delivery.
 3. Local producers, within Caddo, Kiowa and Washita Counties, who offer their produce for sale within the corporate limits of the town of Carnegie. (1992 Code § 5-2; amd. 2005 Code)

3-3-3: APPLICATION FOR LICENSE:

- A. Filing With Clerk: Applicants for a license hereunder shall file, with the town clerk, in duplicate, a sworn application in writing, on a form to be furnished by the town clerk.
- B. Required Information: The application shall give the following information:
1. Full name, birth date and social security number of each individual applicant;
 2. Address, both legal and local;
 3. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced or personally owned, cultivated and controlled;
 4. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship;
 5. Length of time for which the right to do business is desired;

6. Description and license number of any vehicle to be used; and

7. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

- C. Collection Of Sales Taxes: Each individual applicant for a license shall provide written proof that the applicant will collect and remit state and local sales taxes to the town, if required by state law and town ordinance. (1992 Code § 5-3)

3-3-4: LICENSE FEES:

- A. Fee Established: A fee of twenty dollars (\$20.00) per day; thirty five dollars (\$35.00) for a two (2) day weekend; fifty dollars (\$50.00) for seven (7) consecutive days; or one hundred fifty dollars (\$150.00) for one year shall be paid to the town clerk at the time of application.
- B. Revocation: Revocation of a license shall not be grounds for returning the license fee to the applicant. (Ord. 209, 7-15-2000; amd. 2005 Code)

3-3-5: HOURS OF SOLICITATION; TRANSFER AND EXHIBITION OF LICENSE:

- A. Hours: No solicitation shall be conducted between the hours of six o'clock (6:00) P.M. and nine o'clock (9:00) A.M. each day, because of the need for public security and protection; provided, however, that solicitations may be made where the person solicited has agreed by previously arranged appointment for a time other than during the prescribed hours.
- B. Use Of Badge: No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the person to whom it was issued.
- C. Exhibition Of License: Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling, canvassing or soliciting. (1992 Code § 5-6)

3-3-6: REVOCATION OF LICENSE:

- A. Causes For Revocation: Licenses issued under the provisions of this chapter may be revoked by the town clerk after notice has been served on the applicant for any of the following causes:
1. Fraud, misrepresentation or false statements contained in the application;
 2. Fraud, misrepresentation or false statements made in the course of carrying on business as a solicitor or canvasser;
 3. Any violation of this chapter;
 4. Conviction of any felony involving moral turpitude; or
 5. Conducting the business of soliciting or canvassing in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (1992 Code § 5-5)
- B. Notice Of Revocation; Appeal: Notice of revocation of a license shall be in writing, setting forth the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the town board of trustees. (1992 Code § 5-5; amd. 2005 Code)

3-3-7: PENALTY: See section 3-1-5 of this title for penalty provisions. (2005 Code)

CHAPTER 4
CHILDCARE CENTERS¹

SECTION:

- 3-4-1 : Definitions
 3-4-2: Permit Required; Fees; Term
 3-4-3: Application For Permit; Review
 3-4-4: Attendance At State Sponsored Workshops
 3-4-5: Standards Required; Suspension Of State License
 3-4-6: Penalty

3-4-1: **DEFINITIONS:** All words not listed in this section shall be defined according to appropriate state law². As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

CHILD OR MINOR: Any person who has not attained the age of eighteen (18).

CHILDCARE CENTER: A facility which provides care and supervision for children and which operates for more than thirty (30) hours per week. The term shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home.

CHILDCARE FACILITY: Any public or private childcare residential facility, child placement agency, foster family home, group home, childcare center, part day childcare program, family childcare home, or large family childcare home providing either full

1. 10 OS § 401 et seq.

2. 10 OS § 402.

time or part time care for children away from their own homes.

FAMILY CHILDCARE HOME:

A family home which provides care and supervision for seven (7) or fewer children for part of the twenty four (24) hour day. This definition does not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home. (1992 Code § 5-30; amd. 2005 Code)

3-4-2: PERMIT REQUIRED; FEES; TERM:

- A. Permit Required: No person shall conduct, engage in, or operate in any manner a childcare center within the town without having first obtained a permit as provided for in this chapter. A separate permit shall be required for each location at which a childcare center shall be operated. (1992 Code § 5-31)
- B. Permit Fees: The permit fees shall be as set by the town board of trustees. (1992 Code § 5-31; amd. 2005 Code)
- C. Term Of Permit; Renewals: Permits shall be issued for periods of one year and are subject to review and termination by the office of the town clerk. Such permits shall expire on January 1 of each year. Application for renewal of such permits shall be made to the town clerk. (1992 Code § 5-34; amd. 2005 Code)

3-4-3: APPLICATION FOR PERMIT; REVIEW:

- A. Required Information: An applicant for a permit for a childcare center shall furnish to the town clerk the following information:
 1. Full name and address of the applicant;
 2. Location of the proposed childcare center operation; and (1992 Code § 5-32)
 3. An affidavit from the applicant with the licensing requirements and guidelines for childcare centers established by the state and possession of a valid state license issued by the department of

human services or approval of such license by the local licensing services (until said guidelines are hereby adopted by reference and made a part of this chapter). (1992 Code § 5-32; amd. 2005 Code)

- B. Time Limit: The application shall be received at least ten (10) days prior to the final date of application approval. (1992 Code § 5-32)
- C. Review Of Application: The office of the town clerk shall review all applications for childcare center permits. (1992 Code § 5-33)

3-4-4: ATTENDANCE AT STATE SPONSORED WORKSHOPS:
Each childcare center shall send at least one representative to attend at least one-half (1/2) of the number of childcare workshops conducted in the area, sponsored by the state department of human services. Failure to do so shall be grounds for revocation of the town permit. At least one representative from each childcare center shall attend a Red Cross first aid workshop at least once a year. (1992 Code § 5-36; amd. 2005 Code)

3-4-5: STANDARDS REQUIRED; SUSPENSION OF STATE LICENSE:

- A. Compliance With State Standards: No childcare center shall be operated within the town unless a valid state license issued by the department of human services, and all standards for childcare centers, as established by the state, are complied with. (1992 Code § 5-35; amd. 2005 Code)
- B. Procedure Upon Revocation Of State License: Upon suspension or revocation of the license issued by the state, it is understood that the permit issued by the town shall be immediately revoked until such time as state licensing is renewed, including further review by the office of the town clerk to reissue the town permit. (1992 Code § 5-35)

3-4-6: PENALTY: See section 3-1-5 of this title for penalty provisions. (2005 Code)

CHAPTER 5

RECREATION CENTERS

SECTION:

- 3-5-1: Recreation Center Defined
- 3-5-2: Licensing Requirements
- 3-5-3: Slot Machines And Punchboards Prohibited
- 3-5-4: Operation Regulations
- 3-5-5: Suspension Or Revocation Of License
- 3-5-6: Penalty

3-5-1: **RECREATION CENTER DEFINED:** For purposes of this chapter, a "recreation center" means any place, business or premises which maintains one or more pool table, snooker table or billiard table or one or more electronic or video game, pinball machine, table game or other similar device or service; provided, that the following shall not be considered recreation centers:

- A. Private homes;
- B. Duly licensed clubs dispensing alcoholic beverages for consumption on premises, taverns, bars or dance halls;
- C. Churches and church recreation or activity centers; or
- D. Businesses where tables, games, machines or devices are maintained occupying floor space equivalent to less than five percent (5%) of the maximum occupancy of the business, as established by the building code of the town. (1992 Code § 5-50)

3-5-2: **LICENSING REQUIREMENTS:**

- A. License Required: It shall be unlawful for any person to operate or maintain a recreation center without a valid annual license therefor issued by the town clerk. (1992 Code § 5-51)

- B. Application; Term; Fee:
1. Application for an annual license shall be made on forms provided by the office of the town clerk. (1992 Code § 5-52)
 2. Licenses shall be issued on an annual basis and shall expire on January 1 of the year for which they are issued.
 3. The annual fee for the license for the operation of a recreation center shall be as set by the board of trustees, payable upon the issuance of the annual license. (1992 Code § 5-52; amd. 2005 Code)
- C. Display Of License: Holders of recreation center licenses shall conspicuously display such licenses on the premises of the licensed recreation center.
- D. Contents Of Application: The application for an annual license to operate a recreation center shall contain the following:
1. The name of the applicant, who must be the owner of such business;
 2. The location where it is intended to conduct such business and the telephone number, if available at the time of application, of such business;
 3. The age of the applicant;
 4. The business and residence addresses of the applicant for the five (5) years next preceding the date of the filing of the application, and current residence telephone number;
 5. The names and ages of any partners or other persons haVing a financial interest in the recreation center for which the license application is being made, the business and residence addresses of such partners and/or persons for the five (5) years next preceding the date of the filing of the application, and current residence telephone number for such partners or persons;
 6. The names, ages, current residence addresses and residence telephone numbers of any managers or operators of such recreation center, if other than the applicant, and the names, ages, current residence addresses and residence telephone numbers of any persons employed who will have supervisory control over the premises of the recreation center;

7. The state of Oklahoma sales tax permit number under which the business is to be operated; and

8. Whether anyone on the premises has or holds a United States internal revenue license or special liquor dealer's license.

E. Verification By Oath: The application shall be verified by oath of the applicant. (1992 Code § 5-52)

3-5-3: SLOT MACHINES AND PUNCHBOARDS PROHIBITED: It is unlawful for any person, firm or corporation to expose or operate in his place of business within the town, any punchboard or slot machine, which contains any element of chance or, in the operation of which, chance plays any material part. (1992 Code § 5-53)

3-5-4: OPERATION REGULATIONS: It is an offense punishable as hereafter set forth for any recreation center owner, manager, operator or person having supervisory control thereof, or employee, to do, or permit to be done, any of the following:

A. Code Provisions: Violate any provision of this chapter or other applicable provision of this code.

B. State Law: Violate any of the statutes of the state of Oklahoma.

C. Hours: Operate, or be open for operation, during hours other than specified as follows:

Monday, Tuesday, Wednesday and Thursday: 7:00 A.M. until 11:00 P.M.

Friday: 7:00 A.M. until 1:00 A.M. the following Saturday morning

Saturday: 7:00 A.M. until 1:00 A.M. the following Sunday morning

Sunday: Closed until 7:00 A.M. on Monday

D. Alcoholic Beverages: Sell, barter, give away or knowingly permit the consumption of alcoholic beverages in or about the premises of such recreation center.

- E. Intoxicated Persons: Knowingly permit any intoxicated person, whether by alcohol, drugs, or other substances, to be in or about the premises.
- F. School Children Restricted: Permit on the premises during a school day, between the hours of eight thirty o'clock (8:30) A.M. and eleven thirty o'clock (11 :30) A.M., between twelve thirty o'clock (12:30) P.M. and three o'clock (3:00) P.M. any person who is under the age of eighteen (18) years and who is enrolled in either a public, private or parochial elementary, middle or secondary school, except when accompanied by a parent, legal guardian, or as part of a recognized school sponsored activity.
- G. Vacate Premises After Closing: Permit any person not an employee to be or remain on the licensed premises, or in that portion of the premises wherein the recreation activities take place, more than fifteen (15) minutes after closing time. (1992 Code § 5-54; amd. 2005 Code)

3-5-5: SUSPENSION OR REVOCATION OF LICENSE:

- A. Police Action On Complaints; Hearing: All complaints concerning recreation centers shall be submitted or forwarded to the chief of police for investigation. If the chief of police finds that a violation of the provisions of this chapter has been committed, he may file a complaint with the town clerk, setting forth the alleged acts constituting the violation. Further, upon completion of any complaint investigation, whether he files a complaint with the town clerk or not, the chief of police shall submit a written, fully detailed, investigation report to the mayor. Upon the filing of such complaint by the chief of police with the town clerk, said clerk shall fix a date for hearing of the complaint by the town board, and shall cause to be served upon the licensee a copy of the complaint and notice of the time and place of the hearing. Such complaint and notice of hearing shall be served not less than fifteen (15) days prior to the date set for hearing. The complaint and notice of hearing may be served upon the owner, manager, operator, partner or person shown on the license application as having supervisory control over the premises of the recreation center or, if such persons may not be found, by mailing the same by registered or certified mail addressed to such persons at the licensed premises. At the hearing thereon, the complainant, the licensee or any interested person may be present and present such evidence as may be relevant and material. If at the conclusion of such hearing, the town board finds that the complaint is justifiable,

3-5-5

3-5-6

said town board shall suspend for not more than fifteen (15) days or revoke the license issued hereunder. Upon suspension or revocation, the licensee shall immediately cease operating as a recreation center.

- B. Waiting Time: Following the revocation of any recreation center license, any application for a license as a recreation center upon the same premises shall not be accepted by the town clerk for a period of thirty (30) days following the revocation. (1992 Code § 5-55)

3-5-6: PENALTY: See section 3-1-5 of this title for penalty provisions. (2005 Code)

TITLE 4
HEALTH AND SANITATION

Subject	Chapter
Nuisances	1
Unsafe And Dilapidated Structures	1A
Cleaning And Mowing Property	18

CHAPTER 1

NUISANCES

SECTION:

- 4-1- 1: Definitions
- 4-1- 2: Nuisance Unlawful
- 4-1- 3: Town Board Determine And Define Nuisances
- 4-1- 4: Nuisance De'fined, Generally
- 4-1- 5: Public Nuisances; Possible Remedies
- 4-1- 6: Private Nuisances; Possible Remedies
- 4-1- 7: Person Liable
- 4-1- 8: Summary Abatement Of Nuisances
- 4-1- 9: Abatement Of Public Health Nuisances
- 4-1-10: Procedures Cumulative
- 4-1-11 : Pena.lty

4-1-1 : DEFINITIONS: As used in this chapter, these words shall have the following meanings:

ADMINISTRATIVE OFFICER:	The town clerk or the nuisance abatement official appointed by the town board of trustees.
BOARDED AND SECURED:	The closing, boarding or locking of any or all exterior openings, so as to prevent entry into a structure.
DILAPIDATED BUILDING:	A structure which, through neglect or injury, lacks the necessary repairs or otherwise is in a state of decay or partial ruin, to such an extent that said structure is a hazard to the health, safety and welfare of the general public.
OWNER:	The owner(s) of record, as shown by the most current tax rolls of the Caddo County treasurer.
TRASH:	Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste or

other matter of any kind or form which is uncared for, discarded or abandoned.

WEEDS:

A. Shall include, but not be limited to, poison ivy, poison oak, poison sumac and all vegetation at any stage of maturity, which:

1. Exceeds twelve inches (12") in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit, safety and/or welfare of the public or community, create a traffic or fire hazard, or otherwise interfere with the mowing of said weeds;

2. Conceals or invites deposition or accumulation of refuse or trash, regardless of the height of the vegetation;

3. Harbors rodents or vermin;

4. Gives off unpleasant or noxious odors;

5. Constitutes a traffic or fire hazard; or

6. Is dead or diseased.

B. The word "weeds" shall not include tended crops or land zoned for agricultural use, which crops are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use. (1992 Code § 12-1)

4-1-2: **NUISANCE UNLAWFUL:** It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under said person's control, within the corporate limits of the town. (1992 Code § 12-2)

4-1-3: **TOWN BOARD DETERMINE AND DEFINE NUISANCES:** The town board of trustees has the power to determine what is and what shall constitute a nuisance within the corporate limits of the

town, and, for the protection of the public health, parks and water supply, outside of the town's corporate limits. (1992 Code § 12-3)

4-1-4: NUISANCE DEFINED, GENERALLY: A "nuisance" consists of unlawfully doing an act, omitting to perform a duty or any thing or condition which:

- A. Annoys, injures or endangers the comfort, health or safety of others;
- B. Offends public decency;
- C. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for use, any lake, drainageway, stream, stream basin, public park, street or other public property; or
- D. In any way renders persons insecure in life or in the use of property. (1992 Code § 12-4)

4-1-5: PUBLIC NUISANCES; POSSIBLE REMEDIES:

- A. Definition: A "public nuisance" is one which affects, at the same time, an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- B. Possible Remedies: The possible remedies against a public nuisance are:
 - 1. Prosecution on complaint before the municipal court;
 - 2. Prosecution of information or indictment before another appropriate court;
 - 3. Civil action; and
 - 4. Abatement:
 - a. By the person injured; or
 - b. By the town, in accordance with state law or ordinance.

- C. Lapse Of Time: No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (1992 Code § 12-5)

4-1-6: PRIVATE NUISANCES; POSSIBLE REMEDIES:

- A. Definition: Every "nuisance" not included in section 4-1-5 of this chapter is a private nuisance.
- B. Possible Remedies: The possible remedies against a private nuisance are:
1. Civil action; and
 2. Abatement:
 - a. By the person injured; or
 - b. By the town, in accordance with state law or ordinance. (1992 Code § 12-6)

- 4-1-7: PERSON LIABLE: 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 therefor in the same manner as the person who first created it. (1992 Code § 12-7)

4-1-8: SUMMARY ABATEMENT OF NUISANCES:

- A. Town Board Authority To Abate: Whenever it is practical to do so, the town board of trustees has the power summarily to abate any such nuisance, after notice to the owner and opportunity to be heard, if this can be done.
- B. Nuisances Constituting Immediate Danger:
1. 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 the public generally.
 2. It is recognized that, in such circumstances, the mayor (or a representative) may be justified or required 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.

- C. Submission Of Statement Of Nuisance Condition: The fire chief, the chief of police, the town attorney, the health official, any trustee, any resident of the town, or any other officer subordinate to the town board of trustees, may submit to said town board, a statement as to the existence of a nuisance as defined by state law or the ordinances of the town, and a request or recommendation that it be abated.
- D. Board Determination; Hearing; Notice:
1. The town board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, said town board shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for, or to be causing, the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given.
 2. Such notice to the owner and other persons concerned shall be given in writing by mail or by service (by a police if their names and addresses are known; if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the town or county.
- E. Abatement By Town; Assessment Of Costs:
1. If the town board of trustees finds that a nuisance does in fact exist, it shall direct the owner and/or other persons responsible for, or causing, the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person, 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 not abate it within the specified time, the town board of trustees shall direct the mayor to abate the nuisance or have it abated, if summary abatement is practical.

2. The town clerk shall send a statement of the cost of such summary abatement to the owner and/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 to the town, collectible as other debts of the town may be collected. (1992 Code § 12-20)

4-1-9: ABATEMENT OF PUBLIC HEALTH NUISANCES:

A. Order Abatement:

1. The local or county health official shall have the authority to order, in writing, the owner or occupant of any private premises in the town to remove from such premises, within a reasonable length of time and at the owner's expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease or any other condition adversely affecting the public health; failure to do so shall constitute an offense.

2. Such order shall be served on the owner or occupant (or agent) of the premises by the local or county health official, or a police officer. If the premises are unoccupied and the residence of the owner, occupant or agent, if unknown, is without 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 town or county.

B. Abatement By Town; Assessment Of Costs: If the order is not complied with, the health official may cause the order to be executed, and the cost thereof shall be certified to the town clerk. The cost of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if a user of any municipal utility service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any municipal utility service, such costs, after certification to the town clerk, may be collected in any manner in which any other debt due the town may be collected. (1992 Code § 12-21)

4-1-10: PROCEDURES CUMULATIVE: The various procedures for abating nuisances prescribed by this chapter and by other provisions of state law and ordinances shall be cumulative one to the other.

The town board of trustees may elect to follow any such procedure which is applicable in abating any particular nuisance. (1992 Code § 12-8)

4-1-11: PENALTY: Any person who violates any provision of this chapter by doing any act prohibited, declared to be unlawful thereby or declared to be a nuisance, an offense or misdemeanor thereby, or who fails to do any act required by any such provision, who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, who violates any legal order or regulation made pursuant to this chapter, or who maintains any nuisance as defined in this chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not exceeding the limits established in section 1-9-22 of this code. Each day upon which any such violation continues shall constitute a separate offense. (1992 Code § 12-50)

CHAPTER 1

NUISANCES

ARTICLE A. UNSAFE AND DILAPIDATED STRUCTURES

SECTION:

- 4-1A-1: Declaration Of Nuisance
- 4-1A-2: Abatement Procedure; Hearing; Costs
- 4-1A-3: Abatement As Nuisance
- 4-1A-4: Boarding And Securing Building
- 4-1 A-5: Right To Stop Construction
- 4-1A-6: Penalty

4-1A-1: **DECLARATION OF NUISANCE:** When, in the opinion of the local or county health official or any town official, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the town becomes dangerous, insecure or liable to collapse from inherent structural weakness or decay, or which, from fire damage or other causes, becomes a menace to life or property, the same may be declared to be a nuisance. (1992 Code § 12-22; amd. 2005 Code)

4-1A-2: **ABATEMENT PROCEDURE; HEARING; COSTS:**

A. **Report Nuisance Condition To Town Board:** Any such building shall be reported by any town official to the town board of trustees, together with the lot and block number, the owner (or agent) and a description of the condition.

B. **Notice To Property Owner And Mortgage Holder:**

1. Upon receipt of such report, the town board of trustees shall consider whether or not to declare such building or structure to be a nuisance and serve fifteen (15) days' legal written notice on the owner (or agent) to wreck or remove the same, or provide an alternative proposal for restoration, sale and restoration, or other

appropriate method of encouraging productive re-use of the structure.

2. Said notice shall be posted on the property to be affected, and shall also be sent by certified mail, with return receipt requested, to the owner, as shown on the county treasurer's records. Written notice shall also be mailed to any mortgage holder, as shown by the county clerk's records. If neither the property owner nor the mortgage holder can be located, notice may be given by legal notice. Such notice may be published once, not less than ten (10) days prior to any hearing or action by the town pursuant to the provisions of this section. (1992 Code § 12-22; amd. 2005 Code)

- C. Town Board Hearing: The town board of trustees may hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of said town board shall be executed, or any appropriate alternative solution may be implemented.
- D. Order To Remedy Condition: Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the town board of trustees may cause the dilapidated building to be torn down and removed, or implement an alternative solution, and shall fix reasonable dates for the commencement and completion of the work.
- E. Lien Claim By Town: The town clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the town at the hearing, and stating that the town claims a lien on said property for the destruction and removal costs.
- F. Right Of Entry, Town Officials: The agents of the town are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the town, if the work is not performed by the property owner within dates fixed by the town board of trustees.
- G. Cost Determination; Issuance Of Statement:
 - 1. The town board of trustees shall determine the actual cost of the repair, restoration, dismantling or removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the removal of the nuisance conditions, including the cost of notice and mailing.

2. The town clerk shall forward a statement of the actual cost attributable to the work on the buildings and a demand for payment of such costs, by certified mail with return receipt requested, to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder.

H. Work By Town; Private Contract:

1. If the town repairs, restores, dismantles or removes any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the actual repairs, restoration, dismantling or removal of the dilapidated building.

2. If work on the dilapidated building is done on a private contract basis, the contract shall be awarded to the most responsible and most responsive bidder.

I. Lien Continued Until Payment Of Costs:

1. When payment is made to the town for costs incurred, the town clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the building is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the town clerk shall forward a certified statement of the amount of the cost to the county treasurer. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk.

2. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property.

3. The lien shall continue until the cost is fully paid. At any time prior to collection, the town may pursue any civil remedy for collection of the amount owed and interest thereon.

4. Upon receiving payment, the town clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien. (1992 Code § 12-22)

4-1A-3: ABATEMENT AS NUISANCE: Nothing in the provisions of this article shall prevent the town from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety or welfare of the general public. (1992 Code § 12-22)

4-1A-4: BOARDING AND SECURING BUILDING: After a building has been declared dilapidated, and before the commencement of the removal of the nuisance conditions on the dilapidated building, the town board of trustees may authorize that such a building be boarded and secured. (1992 Code § 12-22)

4-1A-5: RIGHT TO STOP CONSTRUCTION: Any town official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this code. (1992 Code § 12-22)

4-1A-6: PENALTY: See section 4-1-11 of this chapter for penalty provisions. (2005 Code)

CHAPTER 1

NUISANCES

ARTICLE B. CLEANING AND MOWING PROPERTY

SECTION:

- 4-1 B- 1: Allowing Trash And Weeds On Property
- 4-1 B- 2: Report Hazardous Conditions To Town
- 4-1 B- 3: Written Notice To Abate
- 4-1 B- 4: Consent Of Owner For Town Removal
- 4-1 B- 5: Abatement Of Conditions By Town; Exceptions
- 4-1 B- 6: Hearing; Presenting Information
- 4-1 B- 7: Work Done By Town Or Let By Contract
- 4-1 B- 8: Statement Of Costs
- 4-1 B- 9: Subsequent Accumulations; Summary Abatement
- 4-1 B-10: Penalty

4-1 B-1: ALLOWING TRASH AND WEEDS ON PROPERTY: It shall be unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises; and it shall be the duty of such owner to remove or destroy any such trash or weeds. (1992 Code § 12-23)

4-1 B-2: REPORT HAZARDOUS CONDITIONS TO TOWN: Any officer or employee of the town who discovers an accumulation of trash or growth of grass and weeds, or both these conditions, upon any premises within the corporate limits of the town shall report the condition to the administrative officer (who shall be appointed by the town board) if, as a result of the accumulation or growth, the premises appear to be:

- A. Detrimental to the health, safety and welfare of the public and the community; or

- B. A hazard to traffic; or
- C. A fire hazard to property. (1992 Code § 12-23)

4-1 B-3: WRITTEN NOTICE TO ABATE:

- A. Notice Of Findings To Owner: Upon receiving the report provided for in section 4-1 B-2 of this article, or upon receipt of equivalent information from any reliable source, and upon determination that a nuisance or violation of this code exists, the administrative officer shall give written notice of the finding and direct the owner or occupant to abate the condition within ten (10) days.
- B. Notice By Certified Mail Or Posting Property:
 1. The written notice provided for in subsection A of this section shall be sent by certified mail, with return receipt requested, to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located.
 2. If the return receipt shows that the property owner cannot be located or that the owner cannot be served by certified mail, notice may be given by publication as provided in 11 Oklahoma Statutes section 1-102, one time, not less than ten (10) days prior to any hearing or action by the town.
 3. If the town board of trustees anticipates further abatement of any nuisance in accordance with provisions of this article, the notice shall state that:

Any accumulations of trash or excessive weed or grass growth on the property occurring within six (6) months after the initial removal of trash or the cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the Town Board of Trustees. Further, the costs of such abatement shall be assessed against the owner, and a lien may be imposed on such property to secure such payment. All such actions may be taken without further notice to the property owner.

(1992 Code § 12-23)

4-1B-4: CONSENT OF OWNER FOR TOWN REMOVAL: The owner of the property may give his written consent to the town authorizing the removal of the nuisance. By providing written consent, the owner waives his right to a hearing. (1992 Code § 12-23)

4-18-5: ABATEMENT OF CONDITIONS BY TOWN; EXCEPTIONS:

A. Issuance Of Order To Remove: Upon a finding that a condition exists as set out in section 4-1 B-2 of this article, and that the property would be benefited by the removal of such condition, and after at least ten (10) days from the date of receipt of the notice by the owner or occupant or the date of publication, the administrative officer shall order the property to be cleaned of trash, or order trash or weeds to be cut, removed or destroyed, unless the owner:

1. Has cut, removed or destroyed the trash or weeds in accordance with the notice; or

2. Has filed a written request for a hearing on the matter with the town clerk within a ten (10) day period to appeal the administrative decision to the town board of trustees.

B. Waiver Of Right Of Hearing: If the owner or occupant has given written consent authorizing the town to abate the trash or weeds, any right to a hearing shall be considered waived, and the owner shall pay for the cost of the work.

C. Town Board Action, Review: The town board may reverse or modify the order of the administrative officer. The town board's review shall be limited to a review of the findings of fact and order of the administrative officer to determine if the provisions of this article have been complied with. (1992 Code § 12-23)

4-1B-6: HEARING; PRESENTING INFORMATION: At any hearing on the matter, the administrative officer may receive information thereto, including anything which may be presented by the owner of the premises, personally or by agent or attorney. The administrative officer shall prepare a written findings of fact and order which will be placed in the property files. (1992 Code § 12-23)

4-18-7: **WORK DONE BY TOWN OR LET BY CONTRACT:** The work ordered to be performed under this article may be done by the town or it may be let by contract to the most responsible and most responsive bidder for a period of not to exceed one year. Immediately following the cleaning or mowing, the town clerk shall file a notice of lien with the county clerk, in accordance with state law. (1992 Code § 12-23)

4-18-8: **STATEMENT OF COSTS:**

- A. Preparation Of Statement; Issuance: Upon completion of the work ordered to be performed under this article, the town shall prepare a statement, itemizing each tract of property involved, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs, along with a demand for payment of the total cost, and forward it by certified mail, with return receipt requested, to:
1. The owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies; or
 2. The address given by the person giving written consent or requesting the appeal, as provided for in subsection 4-18-58 of this article.
8. Lien For Unpaid Costs: If the costs of the work performed under this article are not paid within thirty (30) days from the date of mailing the statement prescribed by subsection A of this section, the town clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the laws of this state. The lien is coequal the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection, as provided in this article, the town may pursue any civil remedy for collection of the amount owed and interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment, directing discharge of the lien. (1992 Code § 12-23)

4-1B-9: SUBSEQUENT ACCUMULATIONS; SUMMARY ABATE-
MENT: If the town board of trustees causes property within
the town limits to be cleaned of trash and weeds or grass to be cut or
mowed in accordance with the procedures provided for in this article, any
subsequent accumulations of trash or excessive weed or grass growth on
the property occurring within a twelve (12) month period may be declared to
be a nuisance and may be summarily abated without further prior notice to
the property owner. At the time of each such summary abatement, the town
shall notify the property owner of the abatement and the 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. The notice and hearing shall
be as provided for in this article. Unless otherwise determined at the
hearing, the cost of such abatement shall be determined and collected as
provided for in this article; provided, however, that this article shall not
apply if the records of the county clerk show that the property was
transferred after notice was given pursuant to this article. (1992 Code
§ 12-23)

4-18-10: PENALTY: See section 4-1-11 of this chapter for penalty
provisions. (2005 Code)

TITLE 5
PUBLIC SAFETY

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CHAPTER 1

POLICE DEPARTMENT

SECTION:

- 5-1-1 : Department Created
- 5-1-2: Chief Of Police
- 5-1-3: Police Officers
- 5-1-4: Powers And Duties Of Chief And Officers
- 5-1-5: Compensation
- 5-1-6: Mutual Aid
- 5-1-7: Unclaimed Property
- 5-1-8: Racial Profiling Prohibited; Policy Adopted

5-1-1: DEPARTMENT CREATED: There is hereby created a police department for the town, the head of which shall be the chief of police. (Ord. 186, 2-6-1992)

5-1-2: CHIEF OF POLICE:

- A. Appointment; Term: The chief of police shall be appointed by the town board of trustees, with a term of office of two (2) years, running concurrent with town board elections, or until such services are terminated by death, resignation, removal by the town board of trustees or other legal manner.
- B. Serve At Will Of Board; Removal: The chief of police shall serve at the will and pleasure of the town board of trustees and may be removed for the good of the service by a majority vote of the town board of trustees at a regular meeting. (Ord. 186, 2-6-1992)

5-1-3: POLICE OFFICERS:

- A. Appointment: One or more police officers may be appointed by the chief of police, sUBject to approval and confirmation by the town board of trustees.

- B. Serve At Will Of Board; Removal: Said police officers shall serve at the will and pleasure of the town board of trustees, and may be removed for the good of the service by a majority vote of the town board of trustees, at a regular meeting. (Ord. 186, 2-6-1992)

5-1-4: POWERS AND DUTIES OF CHIEF AND OFFICERS:

- A. Powers Generally: The chief of police and all police officers shall possess the powers, and be subject to the liabilities possessed and conferred by law upon sheriffs, in executing the orders of the town board of trustees, or enforcing the provisions of this code. All police officers shall be considered officers of the town.
- B. Enforcement Duties; Serve Warrants: It shall be the duty of the chief of police and/or all police officers to bring to justice all violators of town ordinances and federal and state laws, and to turn such violators over to the proper authorities. The chief of police shall serve all warrants, writs, executions and other processes, properly directed and delivered.
- C. Other Duties: The chief of police and each police officer shall perform all other duties prescribed by law or ordinance. (1992 Code § 1-23)

5-1-5: COMPENSATION: The chief of police and each police officer shall be paid such compensation as the town board of trustees may prescribe by motion or resolution. (1992 Code § 1-23)

5-1-6: MUTUAL AID:

- A. Authority To Provide Assistance To Others: The chief of police, or a designated representative, is authorized to direct that any regularly employed police officers of the town may provide law enforcement assistance to another municipality, county sheriff's office, the Oklahoma highway patrol, or any other law enforcement agency upon a request of a police chief or his designee, the county sheriff or his designee, an Oklahoma highway patrolman, or any other law enforcement agency. While so serving, said police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting, they shall be deemed to be acting in the scope of employment of the requesting law

enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by this town.

- B. Authority To Request Assistance From Others: The police chief of the town or his designee is also authorized to request law enforcement assistance from the regular police department of any other municipality, county sheriff's office, or other law enforcement agency on an as-need basis. In such cases, the assisting police officers of the other municipalities shall have all of the same powers and duties as fully as if employed by the town; however, salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officer is regularly employed.
- C. Return To Regular Duties:
1. In all events, the police officers of the town shall return to their regular duties when directed to do so by the Carnegie police chief or the authorized representative of the requesting municipality, whichever direction occurs first.
 2. When the Carnegie police chief shall direct, the assisting police officers of the other municipalities shall return to their own regularly scheduled duties in their own municipalities, and those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the town. (1992 Code § 1-23; amd. Res. 1994-1, 2-10-1994)

5-1-7: UNCLAIMED PROPERTY:

- A. Complete Record Required:
1. All personal property coming into the possession of any police officer, which has been found, 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 delivered into the charge of the chief of police.
 2. The chief of police shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser, and the amount for which it was sold.

B. Disposition Of Unclaimed Property:

1. Any personal property (other than animals) which remains unclaimed and in the possession of the chief of police, or the ownership of which is not satisfactorily established for a period of six (6) months, shall be sold and the proceeds of the sale paid over to the town clerk, who shall issue a receipt therefor and deposit the same to the credit of the general fund of the town, except for such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the town government.

2. Ten (10) days before a sale of such unclaimed property, the chief of police shall have posted in a conspicuous place in the town hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the mayor, all or any of the personal property may be more advantageously used in any town department or office, the mayor shall so instruct the chief of police in writing and said police chief shall thereupon deliver the designated property to the department or office of town government and make a permanent record of its disposition.

C. Property Found By Private Person:

1. Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within six (6) months, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to said finder, and a record of such disposal made thereof.

2. If the finder does not request return of the property within such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the mayor, deliver it to some municipal department for its use.

D. Recovery By Owner: If any property is sold as herein provided, and the owner thereof takes and recovers possession of the same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the town board of trustees.

- E. Property Of Deceased Person: The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of the 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 county 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 supporting entitlement to possession of said 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 six (6) months, it shall be disposed of in the appropriate manner provided in this section. (1992 Code § 1-23; amd. 2005 Code)

5-1-8: RACIAL PROFILING PROHIBITED; POLICY ADOPTED:
The town board of trustees hereby adopts a detailed written policy, for use of the police department, that prohibits racial profiling, and clearly defines the elements constituting racial profiling, as submitted by the Oklahoma human rights commission, and in compliance with 22 Oklahoma Statutes section 34.3. Said policy is set out in a resolution which takes effect October 10, 2000. One copy of said policy shall be and remain on file in the office of the town clerk. (2005 Code)

CHAPTER 1

POLICE DEPARTMENT

ARTICLE A. RESERVE POLICE ORGANIZATION

SECTION:

- 5-1A- 1: Organization Created
- 5-1 A- 2: Officer In Charge; Assistants
- 5-1A- 3: Police Powers
- 5-1A- 4: Serve On Part Time Basis
- 5-1 A- 5: Compliance With Statutory Requirements
- 5-1A- 6: Oklahoma Reserve Law Officers Association, Membership
- 5-1A- 7: Qualifications; Appointment
- 5-1 A- 8: Attendance At Meetings And Drills
- 5-1 A- 9: Removal Of Members, Causes
- 5-1A-10: Dissolution Of Organization

5-1A-1: ORGANIZATION CREATED: There is hereby created for the town a reserve police organization. (Ord. 199, 3-7-1996)

5-1 A-2: OFFICER IN CHARGE; ASSISTANTS:

- A. Appointment Of Officer In Charge: The chief of police may appoint a regular full time police officer or other person to be the officer in charge of the reserve officers. This appointment may be changed or terminated at the discretion of the chief of police.
- B. Appointment Of Assistants: The officer in charge of the police reserves may appoint and/or remove assistants within the reserves to assist in the operation of the police reserves.
- C. Duties:
 - 1. The officer in charge or an assistant will handle all work schedules, training classes or other special assignments of reserve officers.

2. "Probationary reserve officers", defined as lacking their certification and still within the probationary period of one year, shall have limited duties and powers. They shall not be allowed to function as single officers, but must always be in the presence or control of a full time officer. (Ord. 199, 3-7-1996)

5-1 A-3: POLICE POWERS: "Reserve officers", defined as having their certification and not within a probationary period, shall be recognized as having the same police powers as a full time officer. At the discretion of the chief of police, they may be allowed to function as single officers in enforcing the laws and this code. (Ord. 199, 3-7-1996)

5-1 A-4: SERVE ON PART TIME BASIS: A reserve police officer shall serve on a part time basis and shall perform all duties only while on authorized duty. (Ord. 199, 3-7-1996)

5-1A-5: COMPLIANCE WITH STATUTORY REQUIREMENTS: Such reserve officers must meet the minimum requirements of 70 Oklahoma Statutes section 3311. (Ord. 199, 3-7-1996)

5-1A-6: OKLAHOMA RESERVE LAW OFFICERS ASSOCIATION, MEMBERSHIP: Reserve police officers are authorized to join the Oklahoma reserve law officers association and establish a local chapter of this organization. (Ord. 199, 3-7-1996)

5-1A-7: QUALIFICATIONS; APPOINTMENT:

- A. Health; Residency: Any applicant for the position of reserve police officer must be of reasonable health and character, must maintain a residence in the Carnegie area during employment.
- B. Appointment: Reserve police officers shall be appointed by the chief of police, with confirmation required from the town board of trustees. After such approval, all new members shall be on probation for a period of one year. (Ord. 199, 3-7-1996; amd. 2005 Code)

5-1A-8: ATTENDANCE AT MEETINGS AND DRILLS:

- A. Meetings, Drills, Schools: There shall be meetings and/or drills to be held at the discretion of the officer in charge of the reserve officers. All reserves shall be present at all regular meetings. Any member who misses two (2) consecutive meetings without being excused by the officer in charge will be automatically dropped from the rolls. A member who misses twenty five percent (25%) of the meetings, drills, or schools in a one year period running from January 1 to December 31 will be handled the same as hereinabove stated.
- B. Training Classes: Any member who refuses to attend training classes will be dropped without appeal. (Ord. 199, 3-7-1996; amd. 2005 Code)

5-1 A-9: REMOVAL OF MEMBERS, CAUSES: Any member of the police reserves will be dropped from the rolls for any of the following:

- A. Conduct unbecoming a police officer.
- B. Any act of insubordination.
- C. Neglect of duty.
- D. Any violation of the rules and regulations of the town police department.
- E. Conviction of a felony. (Ord. 199, 3-7-1996)

5-1A-10: DISSOLUTION OF ORGANIZATION: The reserve organization can be dissolved only by authority of the town board of trustees, acting by ordinance. (Ord. 199, 3-7-1996)

CHAPTER 2
FIRE DEPARTMENT

SECTION:

- 5-2- 1: Department Established; Composition
- 5-2- 2: Fire Chief
- 5-2- 3: Assistant Fire Chief; Other Officers
- 5-2- 4: New Members; Probation
- 5-2- 5: Firefighters Pension And Retirement System, Participation
- 5-2- 6: Department Bylaws
- 5-2- 7: Ordinances, Amendments To State Insurance Commissioner
- 5-2- 8: Fire Prevention Code Enforcement; Variances
- 5-2- 9: Rural Fire Protection
- 5-2-10: Charges For Fire Calls Outside Town
- 5-2-11: Intergovernmental Cooperation Authorized
- 5-2-12: Penalty

5-2-1: DEPARTMENT ESTABLISHED; COMPOSITION:

- A. Department Established: There is hereby established for the town, a volunteer fire department under the provisions of the Oklahoma volunteer firemen's act¹.
- B. Composition:
 - 1. The volunteer fire department shall consist of not less than twelve (12) and not more than twenty (20) members.
 - 2. The department shall not employ more than two (2) full time, salaried firefighters.
 - 3. Members of the fire department may continue as members of the volunteer fire department established under this chapter without

1. 11 aS § 29-201 et seq.

probation, but shall be subject to the bylaws authorized under this chapter. (1992 Code § 7-1)

5-2-2: FIRE CHIEF:

- A. Appointment; Term: There is hereby created the office of chief of the fire department, who shall be appointed by the town board of trustees, with a term of office of two (2) years, running concurrent with town board of trustee elections, or until all services are terminated by death, resignation, removal by said town board or other legal manner. (1992 Code § 1-27)
- B. Duties: Duties of the fire chief shall include:
1. The fire chief shall have supervision and control of the fire department, subject to the state law, the provisions of this chapter, other ordinances of the town and the town board of trustees. The fire chief shall diligently perform the duties imposed upon him by law and ordinance.
 2. The fire chief shall be held responsible for the general condition and efficient operation of the fire department and the training of members, and may assign duties to other members of said department.
 3. The fire chief may inspect, or cause to be inspected by members of the department, the fire hydrants and water supply sources of the town at least twice each year.
 4. The fire chief shall 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.
 5. The fire chief shall attend all fires and direct and have complete charge of the officers and members of the fire department in the performance of their duties.
 6. The fire chief shall ensure that the town board of trustees and the town's citizens are kept informed on fire hazards in the community and on the activities of the fire department.
 7. The fire chief shall see that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify

proper authorities and secure and preserve all possible evidence for future use in the case.

8. The fire chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the fire department.

9. The fire chief shall file the appropriate fire loss reporting forms with the office of the state fire marshal, as required by current state law. (1992 Code § 1-27; amd. 2005 Code)

5-2-3: ASSISTANT FIRE CHIEF; OTHER OFFICERS:

- A. Appointment Of Assistant Chief; General Duties: The assistant chief of the fire department shall be appointed by the town board of trustees. In the absence of the fire chief, the assistant fire chief shall command the fire department and be held responsible therefor in all respects, with the full powers and responsibilities of the fire chief.
- B. Department Officers: The officers of the fire department shall be selected upon their leadership ability and their knowledge of firefighting and firefighting equipment.
- C. Secretary-Treasurer: One member elected by the members of the fire department shall be secretary-treasurer. The duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any monies due said department by the members. (1992 Code § 1-28)

5-2-4: NEW MEMBERS; PROBATION: All new members shall be on probation for one year after their appointment to the department (which year shall be counted toward retirement in accordance with state law), and shall not become regular members of the department upon completion of their probation period, until approval by a majority of the regular members of the volunteer fire department, subject to the ratification of the town board of trustees. (1992 Code § 7-1)

5-2-5: FIREFIGHTERS PENSION AND RETIREMENT SYSTEM, PARTICIPATION: The volunteer fire department of the town shall be subject to all of the provisions of the Oklahoma state firefighters

pension and retirement system pension act¹, all of the provisions of which are hereby accepted by the town for the use and benefit of its volunteer fire department, which shall also be subject to all of the obligations thereunder. (1992 Code § 1-125; amd. 2005 Code)

5-2-6: DEPARTMENT BYLAWS: The volunteer fire department shall adopt bylaws (a copy of which shall be deposited with the town clerk). which shall include the following:

- A. All volunteer firefighters are required, when notified, to respond to alarms of fire and other emergencies.
- B. All volunteer firefighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters.
- C. There shall be at least one regular business meeting each month. (1992 Code § 7-1)
- D. Any volunteer firefighter having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months, will be expelled from the department rolls. (1992 Code § 7-1; amd. 2005 Code)
- E. Volunteer firefighters leaving town for an extended period of time shall notify the fire chief in advance.
- F. Any volunteer firefighter refusing to attend training classes will be expelled from the rolls.
- G. Any volunteer of the fire department shall be expelled from the rolls by the town board of trustees, upon the recommendation of the fire chief, for any of the following offenses: 1) conduct unbecoming a firefighter; 2) insubordination; 3) neglect of duty; 4) violation of rules and regulations governing the department; or 5) conviction of a felony. (1992 Code § 7-1)

5-2-7: ORDINANCES, AMENDMENTS TO STATE INSURANCE COMMISSIONER: Copies of ordinances and any amend-

1.11 aS § 49-100.1 et seq.

ments relating to the volunteer fire department of the town shall be submitted to the state insurance commissioner. (1992 Code § 7-1)

5-2-8: FIRE PREVENTION CODE ENFORCEMENT; VARIANCES:

- A. Enforcement Of Fire Prevention Code¹: The fire prevention code adopted by the town board of trustees shall be enforced by the volunteer fire department, under the supervision of the fire chief. Members of said department may be detailed as inspectors by the fire chief, if it is deemed necessary.
- B. Power To Grant Variances: The chief of the volunteer fire department, with the approval of the town board of trustees, shall have the power to grant a variance to any of the prOVisions of the fire prevention code, upon application in writing by the owner or lessee (or a duly authorized agent), when there are practical difficulties in carrying out the strict letter of said code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire chief thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1992 Code § 7-2)

5-2-9: RURAL FIRE PROTECTION:

- A. Authority To Enter Into Agreements: The town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state of Oklahoma for fire protection outside the corporate limits of the town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.
- B. Payment For Services:
 - 1. Any contract entered into by the town with an individual owner, firm, private corporation or private or nonprofit association, for outside aid or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, private or nonprofit

1. See section 9-1-1 of this code for adoption of fire prevention code.

association, or political subdivision to the town for such fire apparatus and personnel.

2. All monies received from said calls shall go into the fund designated by motion of the town board of trustees.

C. Distance Limitation:

1. The fire department of the town is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station, unless, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions.

2. All other responses shall be at the direction of the fire chief, assistant chief or mayor. (1992 Code § 7-10)

D. Serving In Regular Line Of Duty: All firefighters of the fire department of the town attending or serving at fires, or doing fire prevention work outside the corporate limits of the town, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the town, and said firefighters shall be entitled to all the benefits of any firefighters pension and retirement fund in the same manner as if the firefighting or fire prevention work were being done within the corporate limits of the town. (1992 Code § 7-10; amd. 2005 Code)

E. Agents Of State: The fire department of the town answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of the town shall be considered as an agent of the state of Oklahoma, and acting solely and alone in a governmental capacity, and the town 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 subsection A, B, C or D of this section.

F. Right Of Way Of Equipment: All motorized equipment of the fire department of the town shall have the right of way over all other commercial and pleasure vehicles. (1992 Code § 7-10)

5-2-10: CHARGES FOR FIRE CALLS OUTSIDE TOWN:

- A. Rates Imposed: The town board of trustees shall charge the following fees to persons or property owners involved, for fire calls outside the corporate boundaries of the town:
1. Fire calls made within five (5) miles of the corporate limits of the town shall cost a minimum of two hundred dollars (\$200.00) for the first hour, or portion thereof, with an additional charge of fifty dollars (\$50.00) for each additional hour or portion thereof.
 2. Fire calls made outside five (5) miles from the corporate limits of the town shall cost a minimum of three hundred dollars (\$300.00) for the first hour, with an additional charge of fifty dollars (\$50.00) for each additional hour or portion thereof.
- B. Mileage; Supplemental Billing Costs: Mileage and distances shall be based on actual miles traveled. The town shall also have the capacity to prepare supplemental billing costs for use of special equipment or materials.
- C. Fee For Damaged Equipment: The town is also authorized to assess a fee whenever fire protection equipment is damaged or lost in fighting a fire involving hazardous materials. Said fee shall be established, on the basis of actual damages or the original purchase price, by motion of the town board of trustees (following the damage or loss).
- D. Arson; Assessment Of Charge: If a fire is determined to be arson and the individual responsible for the act is convicted of the same, the town is authorized to assess a charge against said individual in the actual amount of damages to firefighting equipment involved in fighting the fire, as determined by motion of the town board of trustees. Said charge may be assessed by the town, whether the fire occurred inside of, or without, the Carnegie corporate limits, and may be collected in any and all ways normally employed by the town for collection of utility, facility and other debts owed the town. (1992 Code § 7-11)

5-2-11: INTERGOVERNMENTAL COOPERATION AUTHORIZED:

- A. Authority To Assist Others Upon Request:
1. The town, in an effort to improve the quality of fire protection within the community, and to protect the health, welfare and safety of

its citizens, does hereby determine that any or all members of the fire department of the town are authorized to assist the fire departments of Binger, Eakly, Gotebo or any Caddo or Kiowa Counties' rural fire departments in protecting said areas, upon receipt of a valid request for assistance. For purposes of this section, "request for assistance" shall mean a request for help in an emergency situation, by the mayor, police chief, fire chief, dispatcher or county representative of the above entities.

2. Upon receipt of this request for aid, any member of the Carnegie fire department shall respond to said request for assistance.

- B. Authority To Request Assistance From Others: In an attempt to increase the effectiveness of fire protection within the corporate limits of the town, and to provide for the health, welfare and safety of the citizens of said community, the town does hereby authorize any or all fire department personnel of the towns of Binger, Eakly, Gotebo or of Caddo or Kiowa Counties, to respond to a request for assistance by the town of Carnegie, within said community. Notification shall be given by the mayor, chief of police, fire chief or the dispatcher of the town, and the fire department officers extending said aid shall have full powers to act within the corporate limits of the town while under a request for assistance. (1992 Code § 7-22)

5-2-12: PENALTY: Any person, firm or corporation who violates any provision of this chapter, including the provisions of any code adopted by the town, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-9-22 of this code. Each day upon which a violation continues shall be deemed a separate offense. (1992 Code § 7-50)

CHAPTER 3

CIVIL DEFENSE

SECTION:

- 5-3-1: Definitions
- 5-3-2: Civil Defense Director
- 5-3-3: Liability
- 5-3-4: Acceptance Of Federal, State Or Private Aid
- 5-3-5: Penalty

- 5-3-1: DEFINITIONS: As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

CIVIL DEFENSE: The preparation for, and carrying out of, all emergency functions, other than functions for which primary responsibility is assigned elsewhere by federal, state or local law or ordinance, to protect the public peace, health and safety and to preserve lives and property in the town during an emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, tornado, earthquake, storm or other catastrophe in or near said community, and involving imminent or actual peril to life and property. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, street service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation and all other functions necessary or

incidental to the preparation for, and carrying out of, the foregoing functions.

**ENEMY CAUSED
EMERGENCY:**

Any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the town. Such emergency shall be deemed to exist only when the mayor shall so declare by public proclamation and such emergency shall be deemed to exist until the aforesaid mayor shall declare its termination by public proclamation, or until the town board of trustees shall declare its termination by resolution.

**NATURAL
EMERGENCY:**

Any state of emergency caused by any actual or impending flood, drought, fire, hurricane, tornado, earthquake, storm or other catastrophe in or near the town, and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy caused emergency". (1992 Code § 6-10; amd. 2005 Code)

5-3-2: CIVIL DEFENSE DIRECTOR:

- A. **Appointment:** The position of civil defense director is hereby created, to be appointed by the mayor, with the approval of the town board of trustees. (1992 Code § 1-35)
- B. **Management Of Civil Defense Program:** The civil defense director shall be responsible for carrying out the civil defense program of the town.
- C. **Authority And Responsibility:** The civil defense director shall have the authority and responsibility to:
 1. Form an organization to prepare and implement a civil defense program;
 2. Form committees to perfect such an organization;

3. Appoint the chairman of such committees; and
 4. Cooperate with other civil defense agencies. (1992 Code § 1-35; amd. 2005 Code)
- D. Reimbursement For Expenses: The civil defense director may be reimbursed for expenses incurred in the performance of official duties; provided, that such expenses are at the direction of, and approved by, the town board of trustees.
- E. Enforcement Authority: In the event of an enemy caused emergency or emergency resulting from natural causes, the civil defense director, after authorization from the mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting residents of the town. (1992 Code § 1-35)

5-3-3: LIABILITY:

- A. Neither the town, nor any officer or member of the civil defense organization, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civil defense worker or member of any agency engaged in civil defense activity prior to, or during, either an enemy caused or a natural emergency.
- B. Nor shall the town or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from such civil defense activity prior to, or during, either an enemy caused or a natural emergency. (1992 Code § 6-11)

5-3-4: ACCEPTANCE OF FEDERAL, STATE OR PRIVATE AID:
Whenever the federal government, the state of Oklahoma, or any person, firm or corporation shall offer to the town any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the mayor may accept such offer and may authorize the civil defense director to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. (1992 Code § 6-12)

5-3-5: PENALTY: Any, person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and,

upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-9-22 of this code. Each day upon which a violation continues shall be deemed a separate offense. (1992 Code § 6-20)

CHAPTER 4

FIRE PREVENTION AND CONTROL

SECTION:

- 5-4-1: Fireworks; Sale, Possession Or Discharge
- 5-4-2: Storage Of Explosives
- 5-4-3: Fire Extinguishers In Businesses
- 5-4-4: Penalty

5-4-1 : FIREWORKS; SALE, POSSESSION OR DISCHARGE:

- A. Possession And Discharge: It shall be unlawful and an offense for any person, firm or corporation to possess, discharge, ignite or in any manner aid, assist or abet in the discharging or igniting of any firecrackers of any size, type or description, skyrockets, pistols, torpedoes, Roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture, on public property within the corporate limits of the town, except on July 3 and July 4, between the hours of five o'clock (5:00) P.M. and twelve o'clock (12:00) midnight.
- B. Sale Of Fireworks; Permit Required: It shall be unlawful and an offense for any person, firm or corporation to sell any fireworks, etc., (as listed in subsection A of this section) within the corporate limits of the town without first having obtained a permit from the town clerk. Said permit shall be issued under terms and fees established by motion of the town board of trustees. (1992 Code § 7-20; amd. 2005 Code)

5-4-2: STORAGE OF EXPLOSIVES:

- A. Compliance With State Law:
 - 1. It shall be unlawful for any person to store, keep or have on their premises or in their possession, any explosive materials of any kind

or nature without first having complied with the laws of the state of Oklahoma for the purpose of selling, storing or keeping such articles.

2. Any person storing explosives for sale to the general public must comply with the laws of the state of Oklahoma concerning the sale and storage of said explosives.

- B. Storage Near Dwelling Or School: It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling or school. (1992 Code § 7-21)

5-4-3: FIRE EXTINGUISHERS IN BUSINESSES:

- A. Required Equipment; Inspection:

1. Every person, firm or corporation, owning or operating a place of business within the town is hereby required to own, keep and maintain therein such firefighting equipment (Le., fire extinguishers) as the fire department requires.

2. The equipment shall be inspected regularly by the fire department.

- B. Maintenance And Recharging: Maintenance or recharging of such equipment may be done by the fire department; provided, that a fee sufficient to cover the cost of said service shall be paid by the owner to the town. (1992 Code § 7-23)

5-4-4: PENALTY: Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-9-22 of this code. Each day upon which a violation continues shall be deemed a separate offense. (1992 Code § 7-50)

CHAPTER 5
OFFENSES

SECTION:

- 5-5-1: State Statutes Adopted By Reference
- 5-5-2: Offense Defined
- 5-5-3: Violation; Penalty
- 5-5-4: Attempts To Commit Offense
- 5-5-5: Effect Of Intoxication
- 5-5-6: Aiding In Offense
- 5-5-7: Abandoned Refrigerators And Containers

5-5-1: STATE STATUTES ADOPTED BY REFERENCE: Provisions of title 21 Oklahoma Statutes, as amended, which are applicable to the town, are hereby adopted and incorporated in this chapter, as if set out at length herein. (1992 Code § 13-5)

5-5-2: OFFENSE DEFINED: An "offense" is hereby defined as the doing of any act or thing which, by this chapter or any ordinance of the town, is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this chapter or by any ordinance of the town, is commanded or required to be done. (1992 Code § 13-1)

5-5-3: VIOLATION; PENALTY: Any person, firm or corporation who shall violate any provision of this chapter, including articles A through D, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-9-22 of this code. Each day's continuation of any such violation shall be a separate offense. (1992 Code § 13-100)

5-5-4: **ATTEMPTS TO COMMIT OFFENSE:** Every person who attempts to commit an offense against this code, and in such attempt does any act toward the commission of such offense, but fails, is prevented or intercepted in the perpetration thereof, shall be guilty of an offense and shall be punished in the manner prescribed for the offense itself. (1992 Code § 13-2)

5-5-5: **EFFECT OF INTOXICATION!:** No act committed by any person while in a state of voluntary intoxication, whether from alcoholic beverages or drugs, shall be deemed less an offense by reason of said person being in such condition. (1992 Code § 13-3)

5-5-6: **AIDING IN 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 shall be guilty of an offense and punishable in the same manner as the principal offender. (1992 Code § 13-4)

5-5-7: **ABANDONED REFRIGERATORS AND CONTAINERS:** It shall be unlawful for any person, firm or corporation to leave, in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container of a capacity of one and one-half (1¹/₂) cubic feet or more which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener. (1992 Code § 9-20; amd. 2005 Code)

1. See also section 5-5A-5 of this chapter.

CHAPTER 5

OFFENSES

ARTICLE A. OFFENSES AGAINST PUBLIC DECENCY, MORALS

SECTION:

- 5-5A- 1: Gambling
- 5-5A- 2: False Or Bogus Checks
- 5-5A- 3: Harmful Deception
- 5-5A- 4: Obstruction And Trespassing
- 5-5A- 5: Offenses Relating To Controlled Dangerous Substances
- 5-5A- 6: Immoral Conduct, Shows Or Exhibitions; NUdity
- 5-5A- 7: Prostitution; Illicit Sexual Relations
- 5-5A- 8: Certain Conduct Prohibited On Or Near School Grounds
- 5-5A- 9: Offenses Relating To Alcohol, Low Point Beer
- 5-5A-10: Contributing To Delinquency Of Minors

5-5A-1: GAMBLING: No person, firm or corporation (or agent or employee thereof) shall play, open or cause to be opened, operate, carry on or conduct any game of roulette, craps or any percentage game played with dice, for money, checks, chips, credit or any other things of value; or shall set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing; or shall gamble knowingly in any other similar manner; or knowingly shall permit premises, houses, lots or other property controlled by said entities, to be used in connection with, or for, any act declared unlawful in this chapter. (1992 Code § 13-10)

5-5A-2: FALSE OR BOGUS CHECKS¹:

- A. Definition: The term "false or bogus check or checks" shall include checks or orders which are not honored on account of insufficient

1.21 aS § 1541.4.

funds of the maker to pay the same or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given in exchange for money or property, in exchange for any benefit or thing of value or as a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof.

- B. Intent To Defraud: The making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, that such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; provided, further, that said check or order is presented for payment within thirty (30) days after the same is delivered and accepted. (1992 Code § 13-11; amd. 2005 Code)

5-5A-3: HARMFUL DECEPTION: It shall be 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 a third party, or results in, or contributes to, the benefit of the deceiver. (1992 Code § 13-12)

5-5A-4: OBSTRUCTION AND TRESPASSING:

- A. Sleeping On Streets, In Public Places: It shall be unlawful for any person, without lawful reason, to sleep upon any street or in any other public place, or on any property of another person without the expressed or tacit consent of the owner or person in charge of such place. (1992 Code § 13-13; amd. 2005 Code)
- B. Obstructing Access To Public Places: It shall be unlawful for any person to obstruct access to, or trespass in or about, any public building, in or about the station or depot of a public transportation carrier, or on or about the premises of a public or private school.
- C. Loitering Near Gambling Places: No person shall be or remain in the immediate vicinity where a person or persons are gambling by the use of any means or device.

D. **Obstructing Vehicular Or Pedestrian Traffic:** It shall be unlawful for any person to stand or remain, either alone or in consort with others, in a public place or building, in such a manner as to:

1. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, 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, highway, 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 any business lawfully conducted by anyone in, upon, facing or fronting on any such public street, highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto. (1992 Code § 13-13)

5-5A-5: **OFFENSES RELATING TO CONTROLLED DANGEROUS SUBSTANCES¹:**

A. **Narcotics, Dangerous Substances:** It shall be unlawful for any person under the influence of any narcotic or other controlled dangerous substance to appear or be upon or in any street, alley, place of business or other public place within the town; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within the town, except as legally prescribed by a physician licensed to practice in the state; or for any person to loiter about a place where any narcotic or other controlled dangerous substance is sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

B. **Paint Or Enamel Products To Minors:** No person, firm, business, merchant, store, retailer, wholesaler or any agent or employee thereof shall sell, transfer or give to any person under eighteen (18) years of age, any paint or enamel product or any derivative thereof, in an aerosol or spray container within the limits of the town. (1992 Code § 13-14)

1. See also section 5-5-5 of this chapter and section 5-5A-9 of this article.

5-5A-6: IMMORAL CONDUCT, SHOWS OR EXHIBITIONS;
NUDITY:

- A. Lewd Conduct: It shall be unlawful for any person or persons to conduct themselves in a lewd or immoral manner, or make any insulting or licentious advance or salutation to any person, in any public place within the town.
- B. Obscene Pictures: It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the town, which is obscene or immoral.
- C. Nudity: It shall be unlawful for any person to appear in any public place within the town in a state of total nudity, or for any person or persons to make an indecent public exposure of themselves.
- D. Pornographic Magazines: It shall be unlawful to publicly display pornographic magazines or books for sale in any store within the corporate limits of the town.
- E. Urinate Or Defecate In Public: It shall be unlawful for any person to urinate or defecate in any publicly exposed place within the corporate limits of the town. (1992 Code § 13-15)

5-5A-7: PROSTITUTION; ILLICIT SEXUAL RELATIONS:

- A. Definition: For the purpose of this section, "illicit sexual relations" shall mean sexual relations with any person other than one's lawful husband or wife.
- B. Engaging In Lewd Act For Money: It shall be unlawful for any person to offer, submit or give himself or herself to a lewd or immoral use, such as illicit sexual relations, or to engage in any lewd or immoral act for money or any other thing of value.
- C. Consorting With Prostitute: It shall be unlawful for any person to engage in illicit sexual relations or any other immoral vocation, or to consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the town.
- D. Keeping Place Of Prostitution: It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within

the town where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose.

- E. Procuring For House Of Prostitution: It shall be unlawful and an offense for any person to act as a procurer for any house or place of prostitution or for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure, any person for another for illicit sexual relations or any other immoral purpose. (1992 Code § 13-16)

5-5A-8: CERTAIN CONDUCT PROHIBITED ON OR NEAR SCHOOL GROUNDS: No person shall engage in any conduct or commit any of the acts enumerated herein around, or on the grounds of, any school in the town, or in any street, alley or public area adjacent to a school:

- A. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;
- B. Any conduct that disturbs the orderly conduct of the school;
- C. Annoying or molesting any student or employee of the school;
- D. Lewd or wanton conduct; or
- E. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school. (1992 Code § 13-17)

5-5A-9: OFFENSES RELATING TO ALCOHOL, LOW POINT BEER!:

- A. Alcoholic Beverages:

1. Underage Persons:

a. Misrepresentation Of Age: It shall be unlawful for any person under twenty one (21) years of age to misrepresent said person's age through false documentation, for the purpose of inducing any person to sell alcoholic beverages to said person.

1. See title 3, chapter 2; and title 3, chapter 2, article A of this code; and section 5-5-5 of this chapter and section 5-5A-5 of this article.

b. Possession In Public: It shall be unlawful for any person under twenty one (21) years of age to have in his possession any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the town.

2. Open Container In Retail Package Store: It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

3. Drunkenness Or Intoxication: No person drunk or in a state of intoxication shall appear, or be upon or in, any street, alley, place of business or other public place, nor shall any person drink any alcoholic beverage upon or in any street, alley, place of business or other public place within the town.

4. Violation Of State Or Local Laws: It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the state constitution and laws or this code. (1992 Code § 13-18)

B. Low Point Beer:

1. Underage Persons:

a. Purchase Or Receive: It shall be unlawful for any person under twenty one (21) years of age to purchase, receive or procure any low point beer.

b. Employment Restriction: It shall be unlawful for any person under twenty one (21) years of age to work in a place where low point beer is sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.

2. Drinking In Public Places: It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any low point beer while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the town; provided, that this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

C. Transporting Intoxicating Beverage Or Low Point Beer: It shall be unlawful for any person to transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of

the town, or in or upon any property owned by said town outside of its corporate limits, any alcoholic beverage or low point beer, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. (1992 Code § 13-19; amd. 2005 Code)

5-5A-10: CONTRIBUTING TO DELINQUENCY OF MINORS:

A. Definitions:

DELINQUENT CHILD: A "delinquent child" shall include a minor who shall have been, or is, violating any penal statute of this state or who commits any offense listed in this code.

MINOR, CHILD: A "minor" or "child" shall include male or female persons who shall not have arrived at the age of **eighteen (18)** years at the time of the commission of the offense.

B. Prohibited Act: It shall be unlawful for any person to knowingly and wilfully cause, aid, abet or encourage a minor to be, to remain or to become, a "delinquent child", as defined herein. (1992 Code § 13-20)

CHAPTER 5

OFFENSES

ARTICLE B. OFFENSES AGAINST THE PEACE, PERSONS

SECTION:

- 5-5B-1 : Assault And Battery
- 5-5B-2: Weapons; Firearms; Air Rifles And BB Guns
- 5-5B-3: Offenses Related To Assemblies
- 5-5B-4: Improper Conduct; Harassing Phone Calls
- 5-5B-5: Vehicle Sound Amplification Systems Restricted

5-5B-1 : ASSAULT AND BATTERY:

A. Definitions:

ASSAULT: Any wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

BATTERY: Any wilful and unlawful use of force or violence upon the person of another.

B. Prohibited Acts:

1. It shall be unlawful to commit an assault or an assault and battery within the town.

2. It shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or officer of the law, while said person is performing assigned duties. (1992 Code § 13-50)

5-5B-2: WEAPONS; FIREARMS; AIR RIFLES AND BB GUNS:

A. Carrying Or Transporting Weapons:

1. It shall be unlawful for any person to carry upon or about his person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded; or any 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, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except when doing so in the line of duty or as may be permitted by law.

2. Pursuant to 21 Oklahoma Statutes section 1289.7, it shall be unlawful for any person to transport a loaded firearm on any public street or alley within the corporate limits of the town, except when doing so in the line of duty. (1992 Code § 13-40; amd. 2005 Code)

B. Discharging Firearms: It shall be unlawful for any person to discharge a firearm within the corporate limits of the town, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by state law or ordinance, when doing so for the preservation of the peace, health or safety of residents or the abatement of nuisances, or when engaged in authorized hunting or other related activities.

C. Discharging Air Rifles, BB Guns: It shall be unlawful to discharge an air rifle or BB gun within the town in such a manner as to harm or damage persons or property. (1992 Code § 13-40)

5-58-3: OFFENSES RELATED TO ASSEMBLIES:

A. Unlawful Assembly: It shall be unlawful for three (3) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefor, or otherwise to assemble together for other unlawful purposes.

8. Disturbing Lawful Assemblies: It shall be unlawful for any person to disturb any lawful gathering, 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. (1992 Code § 13-41; amd. 2005 Code)

5-58-4: IMPROPER CONDUCT; HARASSING PHONE CALLS:

- A. Disorderly Conduct; Noise: It shall be unlawful for any person to disturb the peace of another or others by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive or abusive language, or by conducting oneself in a disorderly manner.
- B. Harassing Phone Calls: It shall be unlawful for any person to use a telephone to:
1. Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;
 2. Make a telephone call without disclosing said person's identity and with intent to annoy, abuse, threaten or harass any person at the called number;
 3. Knowingly permit any telephone under control of said person to be used for any purpose prohibited in this subsection; or
 4. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.
- C. Obscene Gestures: It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of said person's extremities, toward any other human being or object within the corporate limits of the town. (1992 Code § 13-42)

5-5B-5: VEHICLE SOUND AMPLIFICATION SYSTEMS RESTRICTED:

A. Definitions:

AUDIBLE: Any sound produced by a sound amplification system from within the vehicle, regardless of whether the vehicle is operating or occupied, which can be heard at a distance of twenty five feet (25') or more. Measurement standards shall

be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be in any public or private location.

**SOUND
AMPLIFICA-
TION SYSTEM:**

Any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sounds including, without limitation, sounds created by human voice or musical instrumentation.

- B. Prohibition: No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system from the vehicle so that the sound is audible at a distance of twenty five (25) or more feet from the vehicle.
- C. Affirmative Defense: It is an affirmative defense to the charge under this section for the operator, not otherwise prohibited by law from operating the sound amplification system, if any of the following conditions apply:
1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 2. The vehicle was an emergency or public safety vehicle;
 3. The vehicle was owned and operated by the town, or a public or private utility company;
 4. The vehicle was used in authorized public activities, such as parades, fireworks, sports events, or other activities which have been approved by the chief of police; or
 5. The vehicle was a commercial vehicle such as, but not limited to, ice cream delivery trucks, etc. (Ord. 226, 5-13-2004)

CHAPTER 5

OFFENSES

ARTICLE C. OFFENSES AGAINST PROPERTY

SECTION:

- 5-5C-1 : Petty Larceny
- 5-5C-2: Receiving Stolen Property
- 5-5C-3: Damaging Or Destroying Property
- 5-5C-4: Unlawful Entry; Unlawful Intrusion; Private Property
- 5-5C-5: Posting Of Advertising Matter
- 5-5C-6: Damaging Utility Poles
- 5-5C-7: Throwing Or Shooting Of Objects
- 5-5C-8: Littering; Distributing Handbills
- 5-5C-9: Shoplifting

5-5C-1 : PETTY LARCENY:

- A. Definition: "Petty larceny" is the taking of personal property, accompanied by fraud or stealth, or with intent to deprive another thereof, when the property is not taken from the person of another.
- B. Prohibited Act: Petty larceny is unlawful and any person who commits petty larceny shall be guilty of an offense. (1992 Code § 13-60; amd. 2005 Code)

5-5C-2: RECEIVING STOLEN PROPERTY: It shall be unlawful for any person to buy, receive, transport or bring into the town any property which said person knows has been stolen. (1992 Code § 13-61)

5-5C-3: DAMAGING OR DESTROYING PROPERTY: It shall be unlawful for any person to destroy, injure, deface, besmear or molest any structure, building, outbuilding, fence or any other property, real

or personal, public or private, belonging to another, including automobiles or other vehicles; to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use. (1992 Code § 13-62)

5-5C-4: UNLAWFUL ENTRY; UNLAWFUL INTRUSION; PRIVATE PROPERTY:

- A. Unlawful Entry: It shall be unlawful for any person to enter, without proper permission, upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), particularly when such entrance is plainly forbidden by signs or otherwise, or when the property, area or structure is enclosed, except when such entrance is in the line of duty, with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of state law or ordinance.
- B. Unlawful Intrusion: Every person who intrudes or squats upon any lot or piece of land within the town, without authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the town, any structure whatever, shall be guilty of an offense.
- C. Vacating Private Property When So Directed:
1. It shall be unlawful to remain on private property at any time other than during posted hours of business operation, after having been directed to vacate such premises by a police officer or by the owner or other person in lawful possession of the premises or by the agent, servant or employee of the owner.
 2. The provisions of this subsection shall not apply to persons, including employees, whose presence on the premises is authorized by the owner or person in lawful possession of such premises, nor shall the provisions of this subsection apply unless the hours of the business operation are posted upon such premises.
 3. It shall also be unlawful to return to said private property before the posted time of opening for business operation on the next business day, after having been directed to vacate such premises under the terms of this subsection. (1992 Code § 13-63)

5-5C-5: POSTING OF ADVERTISING MATTER: It shall be unlawful for any person to place, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, device or inscription upon any public or private building, fence, sidewalk, bridge, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof. (1992 Code § 13-64)

5-5C-6: DAMAGING UTILITY POLES:

- A. Prohibited Acts: It shall be unlawful for any person to mark, write, print, paint up, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, electric or power pole, either wood, concrete, steel or of any other substance, within the corporate limits of the town. The word "pole" shall be construed to mean any pole supporting telephone, television, electric or power wires or braces, and any device used to support or brace such a pole.
- B. Exception: This section shall not apply to the owners of such poles who may make such necessary or authorized marks or signs thereon. (1992 Code § 13-65)

5-5C-7: THROWING OR SHOOTING OF OBJECTS: It shall be unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where said person is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private, except in the case where such is done in defense of oneself, of another person or of property. (1992 Code § 13-66)

5-5C-8: LITTERING; DISTRIBUTING HANDBILLS:

- A. Definition: For the purpose of this section, "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as "rubbish" or "trash".

- B. Open Or Vacant Property: No person shall throw or deposit litter in or upon any open or vacant property within the town, irrespective of the ownership of such property.
- C. Streets And Sidewalks: No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the town, except in public receptacles, authorized private receptacles or in the municipal sanitary landfill.
- D. Sweeping Sidewalks: No person shall sweep into, or deposit in, any gutter, street or other public place within the town, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- E. Vehicle Loads, Tires: No person shall drive or move any truck or other vehicle within the town, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto, or deposit in, any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, in excessive or damaging amounts.
- F. Depositing Handbills, Advertisements:
1. No person shall throw or deposit any commercial or noncommercial handbill on or upon any sidewalk, street or other public place within the town.
 2. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
 3. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which is temporarily or continuously vacant.
 4. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested not to do so or if signs are posted bearing the words "no trespassing", "no peddlers or agents", "no advertisements", or similar notice,

indicating that the occupants do not desire to have their privacy disturbed.

5. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or persons present upon such private premises. In cases of inhabited private premises which are not posted, handbills must be distributed to prevent them from blowing on sidewalks or other public places.

6. The provisions of subsection F5 of this section shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.

7. No person in an aircraft shall throw out, drop or deposit within the town, any litter, handbill or any other object. (1992 Code § 13-67)

5-5C-9: SHOPLIFTING:

A. **Removal Of Merchandise From Commercial Business:** It shall be unlawful for any person to remove any merchandise from a commercial business without paying for said merchandise and without the consent of the owners of said business.

B. **Authority To Arrest Violator:** Any police officer or security guard may arrest, without warrant, any person if there is probable cause for believing said person has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

C. **Reasons For Detaining Suspected Person:** Any merchant, an agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:

1. Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;

2. Informing the police or other law enforcement officials of the facts relevant to such detention;
 3. Performing a reasonable search of the detained person and said person's belongings when it appears that the merchandise or money may otherwise be lost; and
 4. Recovering the merchandise or money believed to have been taken wrongfully; any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, an agent or employee criminally or civilly liable to the person so detained.
- D. Concealing Merchandise; Intent: Any person concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such 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, an agent or employee, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable. (1992 Code § 13-68)

CHAPTER 5

OFFENSES

ARTICLE D. OFFENSES AGAINST PUBLIC AUTHORITY

SECTION:

- 5-50-1 : Resisting Arrest
- 5-50-2: Impersonating Town Officer Or Employee
- 5-50-3: False Representation To Town Officials
- 5-50-4: Offenses Related To Prisoners
- 5-50-5: Removal Of Barricades
- 5-50-6: Flight From An Officer
- 5-50-7: Offenses Related To Alarm Systems And Alarms

5-50-1: **RESISTING ARREST:** It shall be unlawful for any person knowingly or wilfully to resist, oppose or obstruct the chief of police, any police officer, the municipal judge or other town officers or employees in the discharge of their official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officers or employees from the discharge of their official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officers or employees, while such officers or employees are in the discharge of their official duties. (1992 Code § 13-80)

5-50-2: **IMPERSONATING TOWN OFFICER OR EMPLOYEE:** It shall be unlawful for any person to impersonate any town police officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any town officer or employee, without being duly authorized to do so. (1992 Code § 13-81)

5-50-3: **FALSE REPRESENTATION TO TOWN OFFICIALS:** It shall be unlawful for any person knowingly to make any material misrepresentation to any town officer, employee or agency in any official application to, or official dealing or negotiation with, such officer or agency,

or to commit perjury before any tribunal or office of the town. (1992 Code § 13-82)

5-50-4: OFFENSES RELATED TO PRISONERS:

- A. Escape Of Prisoners: It shall be unlawful for any person confined in the town jail or other place of confinement, working upon the streets or other public places pursuant to any judgment, or otherwise held in legal custody by authority of the town, to escape, or attempt to escape, from any such jail, prison or custody. (1992 Code § 13-83)
- B. Assisting Prisoners To Escape:
1. It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the town having legal custody of such prisoner, or from the town jail or other place of confinement, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist in said escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.
 2. It shall be unlawful for any person to communicate with, or attempt to communicate with, any prisoner confined in the town jail, without authority to do so from the chief of police or the officer in charge. (1992 Code § 13-84)

5-50-5: REMOVAL OF BARRICADES¹: No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area. (1992 Code § 13-85)

5-50-6: FLIGHT FROM AN OFFICER: A person commits the offense of flight from a police officer, if:

- A. Said person is the operator of a vehicle and refuses to stop said vehicle, as soon as is safely possible, when signaled to do so by a law enforcement officer; or

1. See also section 6-1-11 of this code.

- B. Upon stopping said vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or
- C. Said person is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or
- O. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or
- E. Said person is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in said area for a reasonable length of time. (1992 Code § 13-86)

5-50-7: OFFENSES RELATED TO ALARM SYSTEMS AND ALARMS:

- A. Interference With Fire Alarm Systems: No person shall cut or sever, or cause to be cut or severed, or interfere with in any manner, any wire of any fire alarm system in the town; or remove or change the same; or cut, injure, change, alter or remove any pole, crossarm, bracket or other support upon which said wires rest or in which said wires are enclosed; or disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the chief of the fire department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the chief of the fire department, keys to any alarm box or boxes; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box a handbill, notice or sign of any kind, except the signs placed upon the same at the direction of the chief of the fire department and pertaining to the firebox; or cause to be hitched any horse or animal to any pole on which is situated a fire alarm box. (1992 Code § 13-87)
- B. False Fire Alarms: No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the fire department

or any officer or employee with reference to any fire alarm or reported fire, or knowingly shall cause the fire department or its officers or employees to make a useless run. (1992 Code § 13-88)

CHAPTER 6

MINORS¹**ARTICLE A. CURFEW**

SECTION:

5-6A-1 :	Definitions
5-6A-2:	Age And Hour Restrictions
5-6A-3:	Exceptions
5-6A-4:	Parental Responsibility
5-6A-5:	Procedure Upon Apprehension By Police
5-6A-6:	Release From Custody

5-6A-1: DEFINITIONS: For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

MINOR: Any person under eighteen (18) years of age.

PARENT: Any person having legal custody of a minor: a) as a natural or adoptive parent; b) as a legal guardian; c) as a person who stands in loco parentis; or d) as a person to whom legal custody has been given by order of the court.

PUBLIC PLACE: Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center or any other place devoted to amusement or entertainment of the general

1. See also section 3-2-6 of this code.

public; it shall also include the front or immediate area of the above.

REMAIN: To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes, such as mere passage or going home.

STREET: A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof, for pedestrian travel. The term "street" includes the legal right of way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street.

TIME OF NIGHT: Shall be based upon the prevailing standard of time, whether Central Standard Time or central daylight saving time, generally observed at that hour by the public.

TOWN: The town of Carnegie, Caddo County, Oklahoma.

YEARS OF AGE: Shall continue from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age". (1992 Code § 13-22)

5-6A-2: AGE AND HOUR RESTRICTIONS: It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets within the town at night during the period ending at six o'clock (6:00) A.M. and beginning:

A. At ten o'clock (10:00) P.M. on Sunday through Thursday; and

- B. At twelve o'clock (12:00) midnight on Saturday morning and Sunday morning. (Res. 2000-4, 6-23-2000; amd. 2005 Code)

5-6A-3: EXCEPTIONS: In the following exceptional cases, a minor on a public street, during the nocturnal hours for which section 5-6A-2 of this article is intended to provide the maximum limits of regulation, shall not, however, be considered in violation:

- A. When accompanied by a parent of such minor.
- B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose, within a specified area.
- C. When exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by processing a written communication, signed by such minor and countersigned by a parent of such minor, with their home address and telephone number, specifying when, where and in what manner said minor will be on the streets at night, in the exercise of a first amendment right specified in such communication.
- D. In case of reasonable necessity, but only if the minor has, in said minor's possession, a written communication signed by the minor, countersigned by a parent of such minor, evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets, at a designated time, for a described purpose, including points of origin and destination.
- E. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor but communicating an objection to the police officer.
- F. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or voluntary association; provided, that the minor has a written communication, in the minor's possession, countersigned by the parent, indicating the home address and telephone number, the purpose for the event, when, where and in what manner said minor will be on the streets at night.

- G. When authorized by a regulation issued by the town board of trustees in other similar cases of reasonable necessity, similarly handled, but adapted to necessary nighttime activities, or more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the town board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved (not to extend more than 30 minutes beyond the time for termination of such activity), and the reason for finding that such regulation is reasonably necessary and consistent with the public interest and the purposes of this article.
- H. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment, and his hours of employment, or carries a valid proof of employment which may include the latest payroll receipt, not over thirty (30) days old.
- I. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel and clearly exempts bona fide interstate movement through the town, particularly on normal routes. (1992 Code § 13-22)

5-6A-4: PARENTAL RESPONSIBILITY: It shall be unlawful for a parent, having legal custody of a minor, to knowingly permit, or by inefficient control to allow, such minor to be, or remain upon, any public street under circumstances not constituting an exception to, or otherwise beyond the scope of, this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. (1992 Code § 13-22)

5-6A-5: PROCEDURE UPON APPREHENSION BY POLICE:

- A. Apprehension; Notify Parent: A police officer of the town, upon finding or having attention called to any minor on the streets in prima facie violation of this article, normally shall take the minor to the

Carnegie police station, or other place designated by the chief of police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available to experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his best judgment in determining age.

- B. Refining Of Police Procedures: Police procedures shall constantly be refined in the light of experience, and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances; for example, a minor of tender age, near home, whose identity may readily be ascertained or is known.
- C. Filing Of Report: In any event, such police officer shall, within twenty four (24) hours, file a written report with the chief of police, or shall participate to the extent of the information for which he is responsible. Said report shall be treated for purposes of juvenile records in accordance with state statutes. (1992 Code § 13-22)

5-6A-6: RELEASE FROM CUSTODY: When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent. (1992 Code § 13-22)

CHAPTER 6

MINORS

ARTICLE B. PREVENTION OF YOUTH NICOTINE ADDICTION

SECTION:

- 5-6B-1 : Findings And Intent
- 5-6B-2: Definitions
- 5-6B-3: Distribution And Sales; Identification
- 5-6B-4: Distribution Of Samples
- 5-6B-5: Tobacco Sales In Original, Sealed Packaging
- 5-6B-6: Possession By Minor; Falsifying Proof Of Age
- 5-6B-7: Reporting To State
- 5-6B-8: Nonretaliation

5-6B-1: **FINDINGS AND INTENT:** The town board of trustees finds that youth addiction to tobacco products is a public health problem with grave health consequences. In recognition that almost ninety percent (90%) of all smokers begin smoking by the age of eighteen (18), action is needed to curtail the easy access of minors to cigarettes and other addictive tobacco products. Furthermore, the town board of trustees finds that the Oklahoma state legislature has limited the powers granted to local governments to address the problems of youth access to tobacco. Therefore, the intent of this article is to:

- A. Implement the strictest and most enforceable system allowed under Oklahoma state law to prevent the illegal sale of cigarettes and other tobacco products to minors;
- B. Periodically amend and update this article as necessary to best utilize any applicable powers which may be returned to Oklahoma municipalities in the future; and
- C. Educate, encourage and assist underage tobacco users in ceasing all use of addictive tobacco products, preferably before daily use of such products is initiated. (2005 Code)

5-6B-2: DEFINITIONS: The following terms shall have the meanings ascribed to them in the section:

PERSON: Any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

PROOF OF AGE: A driver's license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

SAMPLE: A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

TOBACCO PRODUCT: Any product that contains tobacco and is intended for human consumption. (2005 Code)

5-6B-3: DISTRIBUTION AND SALES; IDENTIFICATION:

- A. Furnishing To Underage Person: It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to handle tobacco products on behalf of any such person.
- B. Underage Employees: It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.
- C. Demand Proof Of Age: A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.
- D. Failure To Require Proof Of Age: 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 eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this article.

- E. Guilt Of Employee: If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
- F. Defense To Action; Demanding Proof: Proof that the defendant demanded, was shown, and reasonably relied upon proof of age, shall be a defense to any action brought pursuant to this article.
- G. Multiple Locations: 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.
- H. Violation; Fine: Any person who shall violate subsection A or B of this section shall be guilty of an offense and may be assessed a fine of not more than one hundred dollars (\$100.00) for the first offense within a one year period and two hundred dollars (\$200.00) for the second offense or subsequent offense within a one year period.
- I. Failure To Pay Fine: Upon failure of any person to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the court clerk or his designee 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 proof of payment has been provided. (2005 Code)

5-6B-4: DISTRIBUTION OF SAMPLES:

- A. Distributing Near Playground Or School: No person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.
- B. Violation; Fine: Any person who shall violate subsection A of this section shall be guilty of an offense and may be assessed a fine of not more than one hundred dollars (\$100.00) for the first offense within a one year period and two hundred dollars (\$200.00) for the second offense or subsequent offense within a one year period.
- C. Failure To Pay Fine: Upon failure of any person to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the court clerk or his designee 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 proof of payment has been provided. (2005 Code)

5-6B-5: TOBACCO SALES IN ORIGINAL, SEALED PACKAGING:

- A. Prohibition: It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. Violation; Fine: Any person who shall violate subsection A of this section shall be guilty of an offense and may be assessed a fine of not more than two hundred dollars (\$200.00) for each offense. (2005 Code)

5-6B-6: POSSESSION BY MINOR; FALSIFYING PROOF OF AGE:

- A. Prohibition: Except as provided under subsection 5-68-38 of this article, it is unlawful for a person under eighteen (18) years of age to purchase, receive, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product.
- B. Tobacco Education Program Attendance: On conviction of an individual for an offense under subsection A of this section, the court shall suspend execution of sentence and shall require the defendant to attend a tobacco education program. The court shall require the parent or guardian of the defendant to attend the tobacco education program with the defendant.
- C. Community Service In Lieu Of Education Program: If access to the tobacco education program is not readily available, the court shall require the defendant to perform eight (8) to twelve (12) hours of tobacco related community service instead of attending a tobacco education program.
- D. Remedial Action: The tobacco education program and the tobacco related community services are remedial and are not punishment.
- E. Evidence Of Completion Of Program Or Service: No later than the ninetieth day after the date of conviction under subsection A of this section, the defendant shall present to the court, in a manner

required by the court, evidence of satisfactory completion of the tobacco education program or the tobacco related community service.

- F. Court Action: On receipt of the evidence required under subsection E of this section, the court shall:
1. If the defendant has been convicted of a previous offense under subsection A of this section, which offense occurred within one year prior to the offense for which the defendant is currently charged, execute the sentence, and, at the discretion of the court, assess a fine of not less than ten dollars (\$10.00) and not more than two hundred dollars (\$200.00).
 2. If the defendant has not been convicted of a previous offense under subsection A of this section, which offense occurred within one year prior to the offense for which the defendant is currently charged, dismiss the complaint and discharge the defendant.
- G. Dismissal Of Complaint: If the court dismisses the complaint under subsection F2 of this section, 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.
- H. Apply For Expungement: Any person convicted of an offense under subsection A of this section 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 for a period of at least one year after the date of the offense for which the person was convicted, the court shall order the conviction and any complaint, verdict, sentence, or other document 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.
- I. Failure To Satisfy Penalty Or Fine: If the defendant does not provide the evidence required under subsection E of this section within the period specified by that subsection or upon failure of the defendant to pay any fine authorized by this section within ninety (90) days of the day of the assessment of such fine, the court clerk or his designee 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. (2005 Code)

5-68-7: REPORTING TO STATE: The town clerk or his designee shall furnish any information or reports required or requested by the Oklahoma alcoholic beverage law enforcement (ABLE) commission in the form, manner and time as may be determined by the ABLE commission. (2005 Code)

5-6B-8: NONRETALIATION: No person shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant, or customer reported violations of any provisions of this article. (2005 Code)

CHAPTER 7

ANIMAL CONTROL

SECTION:

- 5-7- 1: Definitions
- 5-7- 2: Animal Control Officer
- 5-7- 3: Regulations For Keeping Certain Animals
- 5-7- 4: Rabies Control; Vaccination Requirements
- 5-7- 5: Dog And Cat Sterilization; Adoption Standards
- 5-7- 6: Zoning Regulations Prevail
- 5-7- 7: Running At Large Prohibited
- 5-7- 8: Confinement In Pen; Use Of Leash
- 5-7- 9: Noise Or Disturbances By Animals; Nuisance Abatement
- 5-7-10: Owner Responsibilities
- 5-7-11 : Breeding Of Animals
- 5-7-12: Cruelty To Animals
- 5-7-13: Turning Confined Animals At Large
- 5-7-14: Pasturing In Public Areas
- 5-7-15: Confining Female Dogs And Cats
- 5-7-16: Killing Vicious Dogs
- 5-7-17: Inspections; Complaint To Municipal Judge
- 5-7-18: Penalty

5-7-1: **DEFINITIONS:** The following words and phrases, when used in this chapter, shall have the meanings prescribed in this section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

ANIMAL: All vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, fish, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.

ANIMAL CONTROL OFFICER OR RABIES CONTROL OFFICER:	The person(s) responsible for enforcement of the town's ordinances and regulations pertaining to animal control in said community.
ANIMAL SHELTER OR MUNICIPAL POUND:	Any premises formally designated by the town board of trustees for the purpose of impounding and caring for animals held under the authority of this chapter, regardless of whether or not said premises are within or without the town's corporate boundaries, and regardless of whether or not said premises are under actual town ownership or provided for under a contractual arrangement between the town and private sector owner(s).
AT LARGE:	Not securely confined by a fence or other means, on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of the immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.
HARBORING:	Allowing any animal to habitually remain, or be fed, on premises under an owner's control.
KENNEL:	Any structure or place where more than three (3) dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs over six (6) months of age.
LIVESTOCK:	All animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.
NEUTER:	To render a male dog or cat unable to reproduce.
NEW OWNER:	A person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.

OWNER:	Any person, firm or corporation owning, harboring or keeping an animal. Occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.
PET:	Any animal kept primarily for pleasure, rather than for sale or other commercial purposes.
RELEASING AGENCY:	Any pound (municipal or otherwise), shelter or humane society organization, whether public or private.
RESTRAINT:	An animal shall be deemed to be under "restraint" if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.
SPAY:	To remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.
STERILIZATION:	To spay or neuter a dog or cat.
VICIOUS OR DANGEROUS DOG OR ANIMAL:	Any dog or animal which has bitten or attempted to bite any person without due provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons, when not duly provoked.
WILD ANIMAL:	Any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated. The term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition. (1992 Code § 3-1)

5-7-2: ANIMAL CONTROL OFFICER:

- A. Appointment; Term: The mayor, with the approval of the town board of trustees, may appoint a person, persons or other entity to serve as the animal control officer(s) for the town. Said officer(s) shall be appointed for an indefinite term, and may be removed by the town board of trustees.
- B. Salary: The salary of the animal control officer(s) shall be established by the town board of trustees, and may be either on a salary basis or a contractual fee system related to enforcement activities. (1992 Code § 1-33)

5-7-3: REGULATIONS FOR KEEPING CERTAIN ANIMALS:

- A. Compliance With Town Requirements: It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the town, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.
- B. Prohibited Animals: If no specific provisions are listed in this code for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the town.
- C. Structures Housing Animals; Manure Receptacles Required:
 - 1. Every structure wherein any authorized animal is kept within the corporate limits of the town shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health.
 - 2. Every such structure, if located within two hundred feet (200') of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall provide a watertight and flytight receptacle for manure, of sufficient size to hold all accumulations of manure. Such 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 such receptacle.

- D. Swine: No swine shall be kept within the corporate limits of the town, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately zoned areas as provided for in any future zoning ordinance.
- E. Bees:
1. The keeping of bees within the corporate limits of the town shall be permitted only in those areas zoned for agricultural or large lot (over 2 acres) residential uses, and/or in accordance with future zoning ordinance provisions.
 2. No license or permit shall be required to keep or raise bees.
- F. Livestock And Fowl:
1. Consistent with provisions of the town's future zoning ordinance, the keeping or raising of horses, sheep, cattle and chickens (or similar fowl) shall be permitted throughout the town, as long as the premises are maintained in accordance with the provisions of subsection C of this section and state and county health department requirements and standards.
 2. Additional restrictions on the raising and/or keeping of animals may be imposed by the town's future zoning ordinance without conflicting with this subsection.
- G. Dogs, Number Limited: No more than three (3) dogs may be harbored at any single-family dwelling in the town. This shall not prevent the operation of kennels which meet the requirements of this chapter and this code (see chapter 5, article A of this title).
- H. Rabbits: The raising or keeping of rabbits shall be permitted, in accordance with the provisions of subsection C of this section, as well as any applicable provisions of any future zoning ordinance.
- I. Wild Animals: The keeping or raising of any wild animals shall be prohibited within the town, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of chapter 5, article A of this title are met and a permit obtained.

- J. Poisonous Snakes: No snakes which are poisonous in their natural state may be kept within the corporate limits of the town.
- K. Farming Or Ranching Operations: Consistent with provisions of the town's future zoning ordinance, persons living within the town's corporate limits who are conducting farming and/or ranching operations on tracts of land of five (5) acres or larger may keep and maintain such animals as may be required or useful in their operations; provided, that such sanitary requirements as may be detailed in this section and chapter shall be complied with at all times, regardless of the size of the tract of land involved. (1992 Code § 3-4; amd. 2005 Code)

5-7-4: RABIES CONTROL; VACCINATION REQUIREMENTS:

A. Vaccination Required; Issuance Of Certificate:

1. Warm Blooded Animals: Any warm blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the town shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such certificate when so requested by the animal control officer shall be prima facie evidence that such animal has not been vaccinated.

2. Dogs And Cats: It shall be the duty of every person within the corporate limits of the town owning or harboring any dog or cat which is six (6) months old or older to procure a rabies vaccination certificate from a licensed veterinarian, or agent authorized by the town board of trustees, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

3. Compliance Required: It shall be unlawful to not abide by the town vaccination requirements after fifteen (15) days of residency.

B. Quarantine Of Animal That Bites Person:

1. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and county health department.

2. The animal control officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the municipal pound or animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the municipal pound or animal shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.
- C. Death Of Rabid Animals; State Examination: When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the animal control officer, veterinarian or other designated person shall immediately send the necessary part of such animal to the state department of health for pathological examination and shall notify the proper health officer of any reports of human contact.
- D. Communitywide Quarantine:
1. When a report gives a positive diagnosis of rabies and the county health director feels that a rabies crisis may be imminent, the health department may recommend to the town board of trustees a communitywide quarantine.
 2. Upon the invoking of such quarantine by the town board of trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult).
 3. During such quarantine, no animal may be taken or removed from the town without written permission of the animal control officer.
- E. Destruction Of Rabies Suspect Animal: During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended.

F. Removal Or Disposal Of Animal:

1. No person shall remove from the town any animal suspected of having been exposed to rabies, or any animal that has bitten a human, except as herein provided.
2. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand; and the animal control officer shall direct disposition of said animal.
3. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer. (1992 Code § 3-9)

5-7-5: DOG AND CAT STERILIZATION; ADOPTION STANDARDS:

- A. Sterilization Required; Deposit: No dog or cat may be released for adoption from a releasing agency in the town unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be ten dollars (\$10.00), as per state statute. (1992 Code § 3-14; amd. 2005 Code)
- B. Refund Of Deposit:
 1. The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals, or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.
 2. If requested to do so, releasing agencies shall refund deposited funds to the adopting party, upon reasonable proof being presented to the releasing agency, by the adopting party, that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

- C. Authority To Adopt Additional Rules: Releasing agencies may adopt any additional rules to implement the state dog and cat sterilization act¹; provided, that said rules do not conflict with the provisions or purpose of the state dog and cat sterilization act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.
- D. Extension Of Time Limit: Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.
- E. Disposition Of Funds: Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account whenever feasible, and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.
- F. Establish Adoption Standards: Subject to the provisions and purposes of the state dog and cat sterilization act and other laws of the state of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, that in the case of public facilities, said standards must be reasonably related to the prevention of cruelty to animals, or the responsible management of dogs and cats in the interest of preserving the public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.
- G. Exceptions: The provisions of the state dog and cat sterilization act shall not be construed to require the sterilization of dogs and cats held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of 4 Oklahoma Statutes sections 391 through 402. Further, the state dog and cat sterilization act shall not be construed to interfere with municipal ordinances that

1.4 aS § 499 et seq.

meet or exceed the sterilization requirements set forth in the state dog and cat sterilization act. (1992 Code § 3-14)

5-7-6: ZONING REGULATIONS PREVAIL:

- A. Prevailing Regulations: In case of conflict between this chapter and any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.
- B. Compliance With Zoning Regulations: No animal shall be kept in violation of any zoning ordinance. (1992 Code § 3-13; amd. 2005 Code)

5-7-7: RUNNING AT LARGE PROHIBITED: It shall be unlawful and an offense for the owner of any animal, domestic or wild, (including dogs), to permit the same to be or run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the town. (1992 Code § 3-2)

5-7-8: CONFINEMENT IN PEN; USE OF LEASH: It shall be unlawful and an offense for any person to:

- A. Substantial And Secure Pen Required: Keep, own, harbor or possess any dog within the corporate limits of the town without providing a substantial and secure pen in which said dog shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved); or
- B. Use Of Leash: Allow a dog to be under the control of any person, and placed on an inadequately sized leash so that it can reach or bite any person who may be using the public thoroughfares of the town, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said dog may be kept, harbored or possessed. (1992 Code § 3-2)

5-7-9: NOISE OR DISTURBANCES BY ANIMALS; NUISANCE ABATEMENT:

- A. Causing Noise Or Disturbance: It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.
- B. Attacking Other Animals Or Damaging Property: It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.
- C. Abatement Of Nuisances: Abatement of such public nuisances shall be handled in accordance with the provisions of title 4, chapter 1 of this code. (1992 Code § 3-3)

5-7-10: OWNER RESPONSIBILITIES: In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

- A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
- B. Owners shall provide proper care and treatment of their animals.
- C. Owners shall not abandon their animals. (1992 Code § 3-5)

5-7-11: BREEDING OF ANIMALS: It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the town, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this code.) (1992 Code § 3-5)

5-7-12: CRUELTY TO ANIMALS:

- A. Prohibited Acts: It shall be unlawful for any person knowingly, wilfully or maliciously to:
 - 1. Deposit any animal with the intention of abandoning the same;

2. Pour on or apply to an animal, any drug or other thing which inflicts pain;
 3. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal;
 4. Treat an animal in a cruel or inhumane manner;
 5. Neglect an animal belonging to, or in the custody of, an owner, in a cruel or inhumane manner;
 6. Kill, or attempt to kill, any animal in an inhumane manner; or
 7. Poison, or expose to poison, any dog or other animal, except a noxious, nondomesticated animal.
- B. Encourage Fighting: It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals. (1992 Code § 3-6)

5-7-13: TURNING CONFINED ANIMALS AT LARGE: It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large. (1992 Code § 3-7)

5-7-14: PASTURING IN PUBLIC AREAS: It shall be unlawful for any person to stake, confine or pasture any animal on any public property (federal, state, municipal or other), or on any railroad right of way, without the consent of the person owning or controlling such property. (1992 Code § 3-8)

5-7-15: CONFINING FEMALE DOGS AND CATS: Every female dog or cat in heat shall be confined, in a building or secure enclosure, in such a manner that such animal cannot come into contact with another animal, except for planned breeding. (1992 Code § 3-10)

5-7-16: KILLING VICIOUS DOGS: The animal control officer, designated representatives or any police officer of the town shall be required to kill any dog running loose within the corporate limits of

the town, which is determined by the animal control officer or police officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this chapter), without keeping said dog in the municipal pound for any period of time. (1992 Code § 3-11)

5-7-17: INSPECTIONS; COMPLAINT TO MUNICIPAL JUDGE:

- A. Inspection Authorized: The local or county health official, the animal control officer, or any member of the town board of trustees, upon complaint of any person or on a self-initiated basis, shall inspect any structure or place wherein an animal is kept.

- B. Issuance Of Order To Owner: The local or county health official, or the animal control officer, may issue any such reasonable order as may be deemed necessary to the owner of such animal, to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance.

- C. Complaint To Municipal Judge: The local or county health official, or the animal control officer, may make a complaint before the municipal judge against any person for violation of any provision of this chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints. (1992 Code § 3-12)

5-7-18: PENALTY: Any person, firm or corporation who violates any provision of this chapter, or who violates or neglects to carry out any reasonable order made by any health officer, the chief of police or the animal control officer, pursuant to this chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in section 1-9-22 of this code, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this chapter. Every day's violation of any provision of this chapter or of such order of the health officer, animal control officer or chief of police, shall constitute a separate offense. (1992 Code § 3-60)

CHAPTER 7

ANIMAL CONTROL

ARTICLE A. LICENSING ANIMALS, KENNELS AND PET SHOPS

SECTION:

- 5-7A-1 : Wild Circus Animals
 5-7A-2: Catteries, Kennels And Pet Shops
 5-7A-3: Penalty

5-7A-1: WILD CIRCUS ANIMALS:

- A. License Required: All wild animals owned by a circus or travelling animal show shall not be permitted within the corporate limits of the town unless the owner or person in charge of said circus or show, or a designated representative, has first obtained a license for said animals from the town clerk.
- B. Protective Safeguards Required: Said license shall be issued by the town clerk upon submission of a written, signed statement by the applicant that ample safeguards have been provided to protect the public health, safety and welfare. (1992 Code § 3-32)
- C. License Fee: To cover issuance and enforcement costs, the applicant shall pay a fee in such amount as set by the board of trustees to the town clerk; the written receipt may constitute the license. (1992 Code § 3-32; amd. 2005 Code)
- D. Term Of License: Said license, so issued, shall be valid for a term of one month. (1992 Code § 3-32)

5-7A-2: CATTERIES, KENNELS AND PET SHOPS:

- A. License Required: No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the town unless

such kennel is licensed as hereinafter provided. (See the definition of "kennel" in section 5-7-1 of this chapter.)

- B. Application For License; Compliance With Future Zoning Regulations:
1. Application for such license shall be made to the town clerk 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. Said kennel must be in compliance with any applicable portions of any future zoning ordinance adopted by the town.
- C. License Fee; Exhibition Of License; Other Licenses:
1. The annual kennel license fee shall be in such amount as set by the board of trustees and such license shall be exhibited in a conspicuous place on the premises.
 2. Each animal kept in a kennel shall also be required to have all other applicable licenses, tags, etc.
- D. Term Of License: Licenses shall be issued for a period of one year beginning on January 1 of each year. Licenses may be issued starting thirty (30) days before January 1 and for thirty (30) days thereafter, or at such time as a new kennel seeks to become operational.
- E. Rabies Vaccination Required: A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a license.
- F. Maintenance Of Kennels:
1. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this code and any future zoning ordinance.
 2. Nonconforming kennels shall be deemed a public nuisance.
- G. Location Restricted: No kennel or other establishment wherein animals are kept shall be maintained closer than forty feet (40') to any tenement or apartment house, hotel, restaurant, boarding house,

retail food store, building used for educational, religious or hospital purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept.

H. Standards And Requirements: All pet shops, catteries and kennels shall:

1. Records: Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of the new owner), and disease prevention and/or treatment and by whom.

2. Environmental Conditions: Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, weather protection and clean and sanitary facilities.

3. Cages And Pens: Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.

I. Enclosure Requirements:

1. Subject To Kennel Requirements: Pet shops shall be subject to the same requirements for licensing as kennels.

2. Compliance With Code And Future Zoning Regulations: In addition, any other requirements of this code or of any future zoning ordinance which may involve specific animals sold in a pet shop shall also be included in those regulations applicable to pet shops. (1992 Code § 3-33; amd. 2005 Code)

5-7A-3: PENALTY: See section 5-7-18 of this chapter for penalty provisions. (2005 Code)

CHAPTER 7

ANIMAL CONTROL

ARTICLE B. ANIMAL IMPOUNDMENT

SECTION:

- 5-7B-1 : Municipal Pound Authorized
- 5-7B-2: Impoundment Of Animals
- 5-7B-3: Fees For Impounding And Keeping
- 5-7B-4: Claiming Of Impounded Animals
- 5-7B-5: Breaking Pound
- 5-7B-6: Penalty

5-7B-1 : MUNICIPAL POUND AUTHORIZED:

- A. Jurisdiction: The town board of trustees is hereby authorized to establish a municipal pound, under the jurisdiction of the chief of police or the animal control officer, who shall provide proper sustenance for all animals impounded and treat them in a humane manner.
- B. Shared Or Contractual Basis: The municipal pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the town. (1992 Code § 3-40)

5-7B-2: IMPOUNDMENT OF ANIMALS:

- A. Authority: The animal control officer, designated representatives or any police officer of the town shall have the authority to pick up and restrain any dog, cat, or other animal as defined in this chapter found to be running loose or at large within the corporate limits of the town, and to restrain said animal in the municipal pound or at other designated facilities and to utilize live traps or other reasonable means necessary to accomplish same. (Ord. 221, 12-11-2003)

- B. Animals: It shall be the duty of the animal control officer (or any other designated officer or employee of the town) to take into custody, and impound, any animal running at large in violation of the provisions of this chapter.
- C. Dogs:
1. The animal control officer shall also proceed to impound any dog that is running at large within the corporate limits of the town, or that is not confined with a secure and suitably sized leash (as provided in this chapter), regardless of whether or not the owner may have a permit, the dog has been vaccinated or the dog bears a tag.
 2. The animal control officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this code.
- D. Redemption Of Impounded Dog: Any person appearing at the municipal pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded shall have such dog returned, upon the payment of the charges due, as authorized by the provisions of this chapter. (1992 Code § 3-41)
- E. Destruction Of Animal; Holding Time: Animals taken into custody as provided in this chapter shall be destroyed in a humane manner by the animal control officer; provided, that no animal taken into custody shall be destroyed until such animal shall have been impounded at least seventy two (72) hours¹. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable license fees and expenses incurred in the animal's detention. The owner of any tagged or licensed animal shall be notified of the animal's impoundment, and shall have five (5) calendar days from the date of such notice to redeem the animal, as provided above.
- F. Obstructing Impoundment Official: It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the town official or employee responsible for impounding animals. (1992 Code § 3-41; amd. 2005 Code)

1. See section 5-7-16 of this chapter, exception for vicious dogs.

5-78-3: FEES FOR IMPOUNDING AND KEEPING:

- A. Fees Imposed: The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by motion of the town board of trustees.
- B. Payment Of Fees: All fees shall be paid to the town clerk. Receipt for payment of fees on an impounded animal shall be presented to the animal control officer or the person in charge of the municipal pound before the animal shall be released. (1992 Code § 3-42)

5-78-4: CLAIMING OF IMPOUNDED ANIMALS: An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this chapter. (1992 Code § 3-43)

5-78-5: BREAKING POUND: No unauthorized person shall break open, or attempt to break open, the municipal pound, or take or let out any animal therefrom, or take or attempt to take from any officer or employee of the town, any animal taken into custody as provided by this code, or in any manner interfere with, or hinder, such officer or employee in the discharge of duties relating to the taking into custody and impounding of animals, as provided in this chapter. (1992 Code § 3-45)

5-78-6: PENALTY: See section 5-7-18 of this chapter for penalty provisions. (2005 Code)

CHAPTER 8
FAIR HOUSING

SECTION:

- 5-8-1: Fair Housing Board
 5-8-2: Certain Acts Prohibited
 5-8-3: Certain Acts Exempted
 5-8-4: Grievance Procedure; Complaint; Hearing

5-8-1: FAIR HOUSING BOARD:

- A. Board Created: There is hereby created a fair housing board for the town to assist in the enforcement of all town fair housing regulations and ordinances.
- B. Board Of Trustees Act As Such Board: The town board of trustees shall serve as the fair housing board of the town. (1992 Code § 1-43)

5-8-2: CERTAIN ACTS PROHIBITED: It shall be unlawful for any person, firm or corporation, or the authorized agents or representatives of said person, firm or corporation to:

- A. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, gender, color, religion, national origin, age, handicap, or familial status.
- B. Refuse to negotiate with any person for the sale, rental or lease of any residential property, or to represent that such property is not available for inspection, sale, rental or lease, when in fact it is so available, because of such person's race, gender, color, handicap, familiar status, religion, age or national origin.

- C. Solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, gender, color, handicap, religion, age, familial status, or national origin, either by direct solicitation or inducement, or to distribute, or cause to be distributed, material or statements designed to induce a residential property owner to sell or lease such property, due to such change in a neighborhood.
- D. File a complaint alleging a violation of this chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment. (1992 Code § 5-15; amd. 2005 Code)

5-8-3: CERTAIN ACTS EXEMPTED: Nothing herein shall apply to:

- A. Prohibiting persons from giving preference to prospective buyers or tenants for any reason other than race, color, gender, handicap, familial status, religion, age or national origin. (1992 Code § 5-16; amd. 2005 Code)
- B. The sale of a dwelling which is, or was at the time when first offered for sale, the residence of its owner.
- C. The rental of rooms in an owner occupied residence or used in a dwelling exclusively as a rooming house.
- D. The rental or leasing of a housing unit in a building containing not more than eight (8) housing units.
- E. The rental or leasing of a dwelling or housing unit owned by any religious or fraternal organization, or private club used and occupied for such organizational purposes. (1992 Code § 5-16)

5-8-4: GRIEVANCE PROCEDURE; COMPLAINT; HEARING:

- A. Any person aggrieved by a discriminatory housing practice prohibited by town ordinance may file a written, signed complaint with the fair housing board. Such complaint must be filed within one hundred eighty (180) days after the alleged discriminatory practice occurs. (1992 Code § 5-18; amd. 2005 Code)

- B. Said complaint shall state the name and address of the person alleged to have violated the provisions of this chapter, or any other town ordinance, and shall set forth the particulars of said violation.
- C. The fair housing board shall receive such complaint, investigate its allegations and set a date for a hearing to be held on the complaint. Said hearing shall be held within sixty (60) days of the date of receipt of the complaint.
- D. At least ten (10) days prior to the hearing, the person named in the complaint and the complainant shall be notified, in writing, of the time and place of such hearing.
- E. The fair housing board shall take, and may allow, such actions at the hearing, as may be necessary to ensure that all parties are afforded the opportunity to fairly present their cases.
- F. If the fair housing board, by majority vote at the conclusion of the hearing, finds that the person has not engaged in any discriminatory housing practice, it shall state its findings and dismiss the case.
- G. If the fair housing board, by majority vote at said hearing, finds that the person engaged in discriminatory housing practices, it shall state its findings in writing and submit them to the respondent and the town attorney for consideration. Unless the complaint is withdrawn or the town attorney finds that there is insufficient information upon which to base a charge, the charge shall be filed in the municipal court, within twenty (20) days of said hearing. (1992 Code § 5-18)

TITLE 6

MOTOR VEHICLES AND TRAFFIC

Subject	Chapter
Traffic Code; Administration And Enforcement	1
General Traffic Provisions	2
Traffic Control Devices	3
Parking And Loading Regulations	4
Vehicle Equipment And Condition	5
Bicycles, Motorized Scooters And Motorcycles	6
Pedestrians	7
Vehicle Impoundment	8

CHAPTER 1

TRAFFIC CODE; ADMINISTRATION AND ENFORCEMENT

SECTION:

- 6-1- 1: State Traffic Code Adopted
- 6-1- 2: Enforcement Of Regulations
- 6-1- 3: Obedience To Regulations; Responsibility
- 6-1- 4: Public Officials And Employees
- 6-1- 5: Duties Of Police Officers And Firefighters
- 6-1- 6: Eluding Police Officer
- 6-1- 7: Necessity Of Signs
- 6-1- 8: Citation Tags; Failure To Comply
- 6-1- 9: Vehicle Licensing; Inspection; Security Verification
- 6-1-10: Authorized Emergency Vehicles
- 6-1-11: Construction Zones
- 6-1-12: Persons Working On Streets
- 6-1-13: Penalty

6-1-1 : STATE TRAFFIC CODE ADOPTED:

- A. Traffic Safety Code Adopted: The Oklahoma highway traffic safety code (47 Oklahoma Statutes, as amended, and every 10 years' recodification thereof) is hereby adopted and incorporated in this town code, as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the control of traffic within the town.
- B. Definitions In Statute Adopted: The definitions of words used in this title shall be the same as those definitions in 47 Oklahoma Statutes sections 1-101 through 1-186, as amended. (1992 Code § 18-1)
- C. Copies On File: The office of the town clerk shall maintain at least one copy of the current Oklahoma highway traffic safety code adopted by this section. (1992 Code § 18-1; amd. 2005 Code)

6-1-2: ENFORCEMENT OF REGULATIONS:

- A. **Town Board Authority:** The town board of trustees is hereby empowered to adopt and provide for the enforcement of regulations necessary to make the provisions of this title and any other traffic or related ordinances of the town effective, and to adopt and provide for the enforcement of temporary regulations to cover emergencies or special conditions.
- B. **Compliance With Enforcement Officials:** No person shall wilfully fail or refuse to comply with any lawful order or direction of the chief of police, any police officer, firefighter or any other authorized town employee. (1992 Code § 18-5)

6-1-3: OBEDIENCE TO REGULATIONS; RESPONSIBILITY:

- A. **Vehicle Owner Responsibility:** It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his, her or its name, to be driven or be parked in violation of any provisions of this title.
- B. **Parental Responsibility:** The parent or guardian of any child or ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this title. (1992 Code § 18-150)

6-1-4: PUBLIC OFFICIALS AND EMPLOYEES:

- A. **Compliance With Regulations:** The provisions of this title shall apply to the driver of any vehicle owned by, or used in the service of, the United States government, and any state, county, municipal or other governmental unit or agency, as well as to other vehicles. It shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state law.
- B. **Exceptions:** This title shall not apply to the military forces of the United States and organizations of the national guard when performing military duty. (1992 Code § 18-151)

6-1-5: DUTIES OF POLICE OFFICERS AND FIREFIGHTERS:

- A. General Duties Of Police: It shall be the duty of the chief of police and any police officers to enforce the traffic regulations of the town, and all of the state vehicle laws applicable to traffic in the town, to make arrests for traffic violations, to investigate accidents, to cooperate with other town officials in the administration of the traffic laws and in developing ways to improve traffic conditions, and to carry out those duties specifically imposed upon said police officers by this title and any other traffic or related ordinances of the town.
- B. Directing Traffic:
1. The chief of police and all assistants are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws and ordinances.
 2. In the event of a fire, other emergency or to expedite traffic or safeguard pedestrians, such officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and ordinances.
 3. Firefighters, when at the scene of a fire, may assist police officers in directing traffic. (1992 Code § 18-9)

6-1-6: ELUDING POLICE OFFICER: It shall be unlawful and an offense for any operator of a motor vehicle who has received a visual and/or an audible signal (red light and/or a siren) from a police officer driving a motor vehicle with insignia showing the same to be an official police, sheriff or highway patrol car, directing the operator to bring his vehicle to a stop, to wilfully increase his speed or extinguish his lights in an attempt to elude such police officer, to wilfully attempt, in any other manner, to elude the police officer, or to elude such police officer. (1992 Code § 18-161)

6-1-7: NECESSITY OF SIGNS: No prOVisions of this title 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 is 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. (1992 Code § 18-152)

6-1-8: CITATION TAGS; FAILURE TO COMPLY:

A. Issuance Of Citations:

1. Police officers are hereby authorized to give notice to persons violating provisions of this title, by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this title, by affixing such tags to the vehicles by means of which the violation occurred.

2. Such citation tags shall indicate briefly the charge, shall bear the registration number of the vehicle and shall direct the violator to present the tag at the police station or other designated place within ten (10) days, or such other reasonable time as may be specified thereon.

3. Nothing in this section shall abridge the power to arrest any violator, to take said person into custody or to file a complaint against any violator at any time.

B. Numbering And Regulation Of Tags: The town board of trustees may require that police officers use serially numbered citation tags furnished by the town clerk, and said town board may also regulate the use and handling of citation tags.

C. Failure To Respond To Citation; Complaint; Warrant:

1. If a violator of any provision of this title who has been given a citation tag as provided above, fails to appear in accordance with the instructions of such tag, the chief of police or an authorized agent shall send a letter or other written notice to the owner of the vehicle involved, informing said person of the violation, warning said person to appear and directing that, in the event such letter or notice is disregarded for a period of five (5) days, a complaint will be filed and a warrant of arrest issued; provided, that nothing in this section shall abridge the power to file a complaint prior to the expiration of such time.

2. In the event any person fails to comply with a citation tag given to such person, or attached to a vehicle, the chief of police shall have a complaint entered against such person before the municipal judge,

1. See also sections 1-9-7 and 1-9-8 of this code.

and said judge shall issue a warrant for said person's arrest. (1992 Code § 18-7)

6-1-9: VEHICLE LICENSING; INSPECTION; SECURITY VERIFICATION:

A. Definitions: The following definitions shall apply to subsections C through H of this section:

COMPULSORY INSURANCE LAW: The law requiring liability insurance in conjunction with the operation of a motor vehicle in this state, as found in 47 Oklahoma Statutes section 7-600 et seq.

OPERATOR'S POLICY: An operator's policy of liability insurance shall insure the named person against loss from the liability imposed by law for damages arising out of the operation or use of any motor vehicle not owned by said person, subject to the same limits of liability required in an owner's policy.

OWNER'S POLICY: An owner's policy of liability insurance:

1. Shall designate, by explicit description or by appropriate reference, all vehicles with respect to which coverage is thereby to be granted;
2. Shall insure the person named therein and insure any other person, except as provided in this subsection, 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;
3. May provide for exclusions from coverage in accordance with existing law; and
4. Shall be issued by an authorized carrier providing coverage in accordance with 47 Oklahoma Statutes section 7-204.

- SECURITY:
1. A policy or bond meeting the requirements of 47 Oklahoma Statutes section 7-204.
 2. A deposit of cash or securities having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond; or
 3. Self-insurance, pursuant to the provisions of 47 Oklahoma Statutes section 7-503, having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond.

SECURITY VERIFICATION FORM:

A form, approved by the state board of property and casualty rates, verifying the existence of security required by the compulsory insurance law of the state of Oklahoma. Said form shall contain the following minimum information:

1. Name and address of carrier;
2. Name and address where security may be verified, if other than carrier;
3. Name of insured;
4. Notice that an owner's policy has been issued pursuant to compulsory insurance law;
5. Year, make, and at least the last three (3) digits of VIN of each insured vehicle (not required if owner's form states "fleet coverage");
6. Inclusive dates liability policy is in effect; and
7. A warning to the owner of state law requirements.

B. Vehicle License Required: It shall be unlawful to operate a vehicle of any kind upon a street of the town, unless such vehicle is licensed and displays a valid license plate thereon, as required by state law.

- C. Security Verification Carried In Vehicle: The owner of a motor vehicle registered in this state and operating said vehicle within the boundaries of the town shall carry in such vehicle at all times a current owner's security verification form (or an equivalent form which has been used by the state department of public safety) listing the vehicle, which shall be produced by any driver thereof, upon request, for inspection by any law enforcement officer and, in case of a collision, the form shall be shown, upon request, to any person affected by said collision.
- D. Exceptions: The following shall not be required to carry an owner's or operator's security verification form (or an equivalent form) from the state department of public safety during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:
1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
 2. Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, and which is in compliance with the compulsory insurance law according to records of the state department of public safety (which reflect a deposit, bond, self-insurance, or fleet policy);
 3. Any vehicle authorized for operation, under a permit number issued by the interstate commerce commission, or the Oklahoma corporation commission;
 4. Any licensed taxicab; and
 5. Any vehicle owned by a licensed, used motor vehicle dealer.
- E. Operator To Carry Security Verification:
1. Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle within the corporate limits of the town, carry either an operator's or an owner's security verification form issued by a carrier (provided the operator is not excluded from coverage thereon) or an equivalent form issued by the state department of public safety, reflecting liability coverage.
 2. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if said

operator is not excluded from coverage on the motor vehicle liability insurance policy for the vehicle. Any such exclusions from said policy shall be included on the owner's security verification form.

3. An owner or operator who fails to produce for inspection a valid and current security verification form (or equivalent form) which has been issued by the department, upon request of any peace officer of the town police department, shall be guilty of an offense.

- F. Sentence Suspended Or Deferred: A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.
- G. Dismissal Of Charge: Any person producing proof in court that a current security verification form or equivalent form which has been issued by the state department of public safety reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.
- H. Action Of Court; Provide Abstract To State: 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. (1992 Code § 18-153)

6-1-10: AUTHORIZED EMERGENCY VEHICLES:

A. Privileges Of Operators Of Emergency Vehicles:

1. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of a law or ordinance, or when responding to, but not upon returning from, a fire alarm, may exercise the following privileges:

- a. Park or stand (irrespective of the provisions of this title);
- b. Proceed past a red or stop signal or sign (slowing down as may be necessary for safe operation);
- c. Exceed the maximum speed limits, so long as this action does not endanger life or property; or
- d. Disregard regulations governing direction of movement or turning in specific directions.

2. 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/or visual signals, except that an authorized emergency vehicle, operated as a police vehicle, need not be equipped with, or display, a red light visible from the front of the vehicle.

3. 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, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

- B. Operation Of Vehicles On Approach Of Emergency Vehicles: Upon the immediate approach of any authorized emergency vehicle making required use of audible and/or visual signals, 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, 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, or shall clear the roadway in the safest possible manner, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1992 Code § 18-8)

6-1-11: CONSTRUCTION ZONES:

- A. Authority To Close Streets: Town personnel, contractors or utility companies, while repairing or improving the streets of the town, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the town board of trustees, to close any street, or section thereof, to traffic during such activity and shall erect or cause to be erected, proper control devices and barricades¹ to warn the public that such street has been closed to traffic.
- B. Compliance By Drivers Required: When any street has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle under, over, around or through such traffic control devices or barricades, or otherwise to

1. See also section 5-5D-5 of this code.

enter the closed area (except that the provisions of this subsection shall not apply to persons while engaged in such construction, maintenance and repair, or to persons having their places of residence or business within such closed area, who may travel through such area at their own risk).

- C. **Warning Devices:** Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accord with this section, the town personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices. (1992 Code § 18-156)

6-1-12: **PERSONS WORKING ON STREETS:**

- A. Unless specifically made applicable, the provisions of this title, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, 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; provided, that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.
- B. The provisions of this title shall apply to such persons and vehicles when traveling to or from such work. (1992 Code § 18-157; amd. 2005 Code)

6-1-13: **PENALTY:** Any person, firm or corporation who violates any provision of this title, performs any unlawful act as defined in this title, or fails to perform any act required in this title shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in section 1-9-22 of this code. Each day upon which a violation continues shall be deemed a separate offense. (1992 Code § 18-200)

CHAPTER 2

GENERAL TRAFFIC PROVISIONS

SECTION:

- 6-2- 1: Speed Regulations
- 6-2- 2: Vehicle Accidents
- 6-2- 3: Driving By Unauthorized Persons
- 6-2- 4: Reckless Driving
- 6-2- 5: Driving Under The Influence
- 6-2- 6: Stopped School Bus
- 6-2- 7: Driving On Sidewalks
- 6-2- 8: Following Too Closely
- 6-2- 9: Backing
- 6-2-10: Riding On Or Clinging To Vehicles
- 6-2-11 : Dangerous Objects In Streets
- 6-2-12: Funeral Processions
- 6-2-13: Fire Apparatus; Fire Hose
- 6-2-14: Obstruction Of Driver's View
- 6-2-15: Mandatory Seat Belt Use
- 6-2-16: Child Passenger Restraint System

6-2-1: SPEED REGULATIONS:

- A. Basic Rule: No person shall drive a vehicle on any street within the corporate limits of the town at a speed greater or less than is reasonable or prudent under the conditions then existing (including, among other things, the condition of the vehicle, roadway, weather, visibility, amount of traffic, presence of pedestrians and any obstruction of view).
- B. Stopping Ability: No person shall drive any vehicle upon a street at a speed greater than will permit a stop within the assured clear distance ahead.
- C. Designated Speeds: No person shall drive any vehicle, except an authorized emergency vehicle (as provided in this title), at a speed greater than:

1. Twenty (20) miles an hour on any street adjacent to any school, or in any school zone, between eight o'clock (8:00) A.M. and four thirty o'clock (4:30) P.M. on days when school is in session, unless otherwise posted. (1992 Code § 18-6)

2. Twenty five (25) miles per hour on other streets and on streets adjacent to schools at other times than that specified in subsection C1 of this section, unless otherwise posted. (Ord. 217, 6-12-2003)

6-2-2: VEHICLE ACCIDENTS:

A. Accident Report Required:

1. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, or death of, any person, or damage to any vehicle or other property to an apparent extent of more than three hundred dollars (\$300.00), shall, as soon as practicable, report such accident to the chief of police or to the police department.

2. Making out a written report of the accident in the police department, as soon as practicable after the accident (to be forwarded to the state department of public safety in accordance with state law), shall be deemed compliance with this section.

B. Leaving Scene Of Accident: Leaving the scene of an accident, as defined by current state law, shall be unlawful within the corporate limits of the town. (1992 Code § 18-11)

6-2-3: DRIVING BY UNAUTHORIZED PERSONS:

A. Driver's License Required: It shall be unlawful for any person who does not have a valid driver's license, as required by state law, to operate a motor vehicle within the corporate limits of the town.

B. Allowing Unlicensed Or Unauthorized Driver To Operate Vehicle:

1. It shall also be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the town.

2. It shall be unlawful and an offense for any person to authorize, or knowingly permit, any vehicle, owned by or under said person's

control, to be driven upon any of the streets or highways of the town, by any person who is not authorized, under the laws of the state of Oklahoma, to operate such vehicle. (1992 Code § 18-12)

6-2-4: RECKLESS DRIVING: It shall be unlawful for any person to drive any vehicle within the corporate limits of the town in a careless, negligent or reckless manner, without regard for the safety of persons, property or the lawful use of the streets. Such person shall be guilty of reckless driving. (1992 Code § 18-13)

6-2-5: DRIVING UNDER THE INFLUENCE: It shall be unlawful for any person who is under the influence of alcoholic beverages, narcotic drugs or other controlled dangerous substances to drive, or be in actual physical control of, any vehicle within the corporate limits of the town. (1992 Code § 18-14)

6-2-6: STOPPED SCHOOL BUS:

- A. Passing Bus Prohibited: No person shall pass any "school bus" (as defined by state law) when such bus is stopped for the purpose of discharging or taking on passengers, and is displaying flashing red lights, as required by state law.
- B. Stop From Either Direction: All persons shall stop upon approaching a stopped school bus (as described in subsection A of this section), regardless of the direction of said approach. (1992 Code § 18-10)

6-2-7: DRIVING ON SIDEWALKS: The driver of any vehicle shall not drive upon any sidewalk or sidewalk area, except at a permanent or temporary driveway. (1992 Code § 18-15)

6-2-8: FOLLOWING TOO CLOSELY: The driver of any vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of, the roadway. (1992 Code § 18-16)

6-2-9: BACKING:

- A. The driver of any vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
- B. The driver of any vehicle shall not back the same a greater distance than is necessary to permit it to enter the immediately available proper driving lane. No extended backing shall be permitted. (1992 Code § 18-17)

6-2-10: RIDING ON OR CLINGING TO VEHICLES:

- A. Riding On Vehicle: No person shall ride upon any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or persons riding within truck bodies in space intended for merchandise.
- B. Clinging To Vehicles: No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same to any vehicle upon a roadway. (1992 Code § 18-158)

6-2-11: DANGEROUS OBJECTS IN STREETS: It shall be unlawful for any person to place, cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which is likely to injure persons, damage property or render a street unsafe for traffic. (1992 Code § 18-159)

6-2-12: FUNERAL PROCESSIONS:

- A. Driving Between Vehicles In Procession: 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.
- B. Exception; Intersections: This prOVision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. (1992 Code § 18-160)

6-2-13: FIRE APPARATUS; FIRE HOSE:

- A. Following Fire Apparatus: The driver of any vehicle, other than when on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500'), or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1992 Code § 18-162)
- B. Crossing Fire Hose: No vehicle shall be driven over any unprotected hose of any fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (1992 Code § 18-163)

6-2-14: OBSTRUCTION OF DRIVER'S VIEW:

- 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 or her control over the driving mechanism of the vehicle. (1992 Code § 18-164)

6-2-15: MANDATORY SEAT BELT USE:

- A. Use Required:
 - 1. Every operator and front seat passenger of a passenger car operated in the town shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 CFR section 571.208.
 - 2. For the purposes of this section, "passenger car" shall mean "vehicle" as defined in 47 Oklahoma Statutes section 1102. "Passenger car" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. "Passenger car" shall not include trucks, truck tractors, recreational vehicles,

motorcycles, or motorized bicycles. "Passenger car" shall not include a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of 47 Oklahoma Statutes section 1134.

B. Exceptions:

1. This section shall not apply to any person who possesses a written verification from a physician licensed in this state that the person is unable to wear a safety seat belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.

2. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. postal service. (2005 Code)

6-2-16: CHILD PASSENGER RESTRAINT SYSTEM:

A. Requirements:

1. Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of the town, shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 CFR section 571.213.

2. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

B. Exceptions: The provisions of 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 state or federal laws;

2. The driver of an ambulance or emergency vehicle;

3. The driver of a vehicle in which all of the seat belts are in use;
 4. The transportation of children who for medical reasons are unable to be placed in such devices;
 5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this subsection, "back seat" shall include all seats located behind the front seat of a vehicle operated by a licensed childcare facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this subsection if, at the request of any law enforcement officer, the licensed childcare facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.
- C. Authority To Stop Vehicle; Issue Warning: 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 warning to said 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. (2005 Code)

CHAPTER 3

TRAFFIC CONTROL DEVICES

SECTION:

- 6-3-1: Installation And Maintenance
- 6-3-2: Compliance With State Specifications
- 6-3-3: Turn Signs And Indicators
- 6-3-4: Designation And Marking Of One-Way Streets
- 6-3-5: Marking Of Traffic Lanes
- 6-3-6: Designation And Marking Of Crosswalks
- 6-3-7: Unauthorized Signs Or Devices
- 6-3-8: Street Classification System

6-3-1: **INSTALLATION AND MAINTENANCE:** The town board of trustees shall have traffic control signs, signals and devices placed and maintained, as required under the ordinances of the town to make the provisions of such ordinances effective. (1992 Code § 18-70)

6-3-2: **COMPLIANCE WITH STATE SPECIFICATIONS:** All traffic control signs, signals and devices shall conform to the manual and specifications approved by the Oklahoma state highway department. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the town. All traffic control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic control devices. (1992 Code § 18-71)

6-3-3: **TURN SIGNS AND INDICATORS:**

- A. **Town Board Authority:** The town board of trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left 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, in which event, the same shall be plainly indicated on said signs.

- B. Compliance By Drivers: Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.
- C. Right Turn On Red Permitted: Unless otherwise indicated by such signs, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop. (1992 Code § 18-72)
- D. U-Turns: U-turns shall be prohibited at all intersections and other places within the town limits, except where specifically indicated or permitted by proper signs. (Ord. 220, 7-10-2003)

6-3-4: DESIGNATION AND MARKING OF ONE-WAY STREETS:
Whenever the town board of trustees designates any street, alley or part thereof as a one-way street or alley, said town board shall have signs placed, giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (1992 Code § 18-73)

6-3-5: MARKING OF TRAFFIC LANES:

- A. Town Board Authority: The town board of trustees is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.
- B. Compliance By Drivers: Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully parking another vehicle, preparing to make a lawful turning movement or as otherwise authorized by ordinance. (1992 Code § 18-74)

6-3-6: DESIGNATION AND MARKING OF CROSSWALKS: The town board of trustees shall have the authority to designate, by appropriate devices or lines upon the surface of the roadway, crosswalks at intersections or other places Where, in its opinion, there is particular danger to pedestrians crossing the roadway. (1992 Code § 18-75)

6-3-7: UNAUTHORIZED SIGNS OR DEVICES:

- A. Directing Movement Of Traffic: 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, 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. Commercial Advertising: No person shall place or maintain, nor shall any public authority permit, upon any highway, any traffic sign, signal or device bearing thereon any commercial advertising.
- C. Exception: This section shall not be deemed to prohibit the placement, upon private property, of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- D. Public Nuisance Declared; Town Removal: Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the town board of trustees is hereby empowered to remove the same, or cause it to be removed. (1992 Code § 18-76)

6-3-8: STREET CLASSIFICATION SYSTEM:

- A. Adoption Of System: The town board of trustees may adopt, by resolution, a street classification system for the town. Whenever such a system is adopted, it shall be the duty of said town board to have stop signs placed and maintained, or if deemed more appropriate at any intersection, yield signs, on each and every street involved in the implementation of the classification system (unless traffic at any intersection is controlled at all times by traffic control signals).
- B. Determine Hazardous Intersections: The town board of trustees is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:
 - 1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event it 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, in which event, it shall cause to be erected a yield sign at every place where obedience thereto is required.

- C. Placement Of Signs: Every stop and 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. (1992 Code § 18-77)

CHAPTER 4

PARKING AND LOADING REGULATIONS

SECTION:

- 6-4-1 : Parking Prohibited In Specified Places
- 6-4-2: Angle Parking
- 6-4-3: Parallel Parking; Setting Brakes
- 6-4-4: Parking On Private Property; Truck Parking
- 6-4-5: Loading Zones
- 6-4-6: Presumption In Reference To Illegal Parking

6-4-1 : PARKING PROHIBITED IN SPECIFIED PLACES:

- A. No Parking Places Enumerated: No person shall stop or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with state law, ordinance, the directions of a police officer or traffic control device, or in an emergency situation, in any of the following places:
 1. On any sidewalk or between the sidewalk and any street;
 2. In front of, or obstructing, any pUblc or private driveway;
 3. Within an intersection;
 4. Within fifteen feet (15') of a fire hydrant (except in an officially marked parking space);
 5. Within or on a crosswalk; (1992 Code § 18-90)
 6. Within twenty feet (20') of the driveway of any fire station and on the side of a street opposite the entrance to any fire station within seventy five feet (75') of said entrance (when properly signposted); (1992 Code § 18-90; amd. 2005 Code)

7. Near any street work or excavation, when stopping or parking would obstruct traffic;
 8. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking or double stopping);
 9. In an alley where less than ten feet (10') of the roadway will be left available for the movement of vehicular traffic; or
 10. At any place where official signs prohibit stopping.
- B. Authority To Establish Parking Time Limits: The town board of trustees is hereby authorized to establish parking time limits, and to prohibit parking on designated streets and parts of streets by having appropriate signs placed thereon.
- C. Private Property; Areas For Physically Disabled Persons: It shall be unlawful for any person to place or park a motor vehicle in any parking space on:
1. Private property accessible to the public and where the public is invited; or
 2. On public property that is designated and posted as a reserved area for parking of motor vehicles of physically disabled persons, unless such person has a physical disability insignia (consistent with the provisions of 47 Oklahoma Statutes) and such insignia is displayed as provided in said 47 Oklahoma Statutes (or other regulations adopted pursuant thereto). (1992 Code § 18-90)

6-4-2: ANGLE PARKING:

- A. Town Board Determination: The town board of trustees may determine upon what streets and parts of streets, angle parking shall be permitted, and shall have such streets marked or signed.
- B. Compliance With Markings: On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, or outside of the area enclosed by said markings. (1992 Code § 18-91)

6-4-3: PARALLEL PARKING; SETTING BRAKES:

- A. Parallel Parking: Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to, and within eighteen inches (18") of, the right hand curb; provided, that every vehicle stopped or parked upon the left hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left hand wheels parallel to, and within eighteen inches (18") of, the left hand curb.
- B. Setting Brakes: Adequate brakes shall be set on all parked vehicles. (1992 Code § 18-92)

6-4-4: PARKING ON PRIVATE PROPERTY; TRUCK PARKING:

- A. Permission Required: It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another without first obtaining permission from the person in charge of such property, except where said placing or parking is involuntary.
- B. Removal From Property; Nonliability:
 - 1. A landowner, or other person in charge of the land, may cause any motor vehicle or trailer which is left on private property after posted hours to be removed and impounded by an appropriate wrecker service.
 - 2. The police department or any police officer is also authorized to remove any unauthorized vehicles from private property upon direction of the owner of the property or persons in charge of the property.
 - 3. The town, or any landowner or person in charge of the property shall not be liable for any damages which may occur to the trespassing vehicle or trailer under the terms of this section, while the same is trespassing, while it is being removed from said property or while it is in storage.
- C. Truck Parking In Residential Areas: It shall be unlawful for any person to park a truck or trailer over one ton capacity or being used for transport of gasoline or liquefied petroleum gas on any street or alley in any residential area of the town. (1992 Code § 18-93)

6-4-5: LOADING ZONES:

- A. Town Board Determination: The town board of trustees is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have appropriate signs placed indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be changed or discontinued.
- B. Request For Loading Zone; Reimbursement To Town: When such a loading zone is established upon the request of any person, firm or corporation, the town board of trustees shall not have signs placed until the applicant has paid to the town clerk an amount of money estimated by said town board to be adequate to reimburse the town for all costs of establishing the signing of the same.
- C. Compliance Required: 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 pick up 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. (1992 Code § 18-95)

6-4-6: PRESUMPTION IN REFERENCE TO ILLEGAL PARKING:

- A. Registered Owner Liable: In any prosecution charging a violation of any law or ordinance 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 ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of 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.
- B. Issuance Of Citation: The foregoing stated presumption shall apply only when the procedure of giVing a citation tag has been followed. (1992 Code § 18-94)

CHAPTER 5

VEHICLE EQUIPMENT AND CONDITION

SECTION:

- 6-5-1: Proper Equipment Required
- 6-5-2: Inspection Of Vehicles
- 6-5-3: Injurious Vehicles; Hazardous Conditions
- 6-5-4: Size And Weight Of Vehicles; Truck Routes
- 6-5-5: Mufflers And Cutouts
- 6-5-6: Jakebraking Prohibited

6-5-1: **PROPER EQUIPMENT REQUIRED:** It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the town. It shall also be unlawful to fail to use such equipment in the manner required by law, use it in a manner prohibited by law or to operate a vehicle which has equipment prohibited by law upon any street within the town. (1992 Code § 18-153)

6-5-2: **INSPECTION OF VEHICLES:** Police officers shall have authority to inspect and test any vehicle upon the streets of the town at any time, with reasonable cause, to determine whether it is safe, properly equipped and whether its equipment is in proper adjustment and repair. (1992 Code § 18-154)

6-5-3: **INJURIOUS VEHICLES; HAZARDOUS CONDITIONS:**

- A. **Injurious Vehicles Prohibited:** No vehicle or object which injures, or is likely to injure, any street within the town shall be driven or moved on any street within the town.
- B. **Vehicle Causing Hazardous Condition:** No person shall drive any vehicle which is in such condition, so constructed or so loaded as to cause, or be likely to cause, a delay in traffic or constitute a hazard to persons or property. (1992 Code § 18-50; amd. 2005 Code)

6-5-4: SIZE AND WEIGHT OF VEHICLES; TRUCK ROUTES:

- A. Compliance With State Regulations; State Permit: No person shall drive or convey through any street any vehicle, the width, height, length, weight or load of which exceeds that authorized by state laws, except in accordance with a permit issued by state authority.
- B. Certain Vehicles Restricted: Except for the purpose of making local deliveries, vehicles required by state statute to be licensed or permitted for three (3) ton or greater capacity shall be prohibited from using any public street, alley or place within the town for travel, except legally designated truck routes or state and federal highways.
- C. Designation Of Routes; Signs:
1. The town board of trustees may prescribe routes through the town for the use of trucks and/or other vehicles, which are not ordinary private passenger vehicles, passing through the town. When it is necessary for vehicles of the class hereinabove described to travel to and from a location on any of the town's public streets, alleys or places for the purpose of loading or unloading merchandise, or the provision of necessary services at such location, the route travelled shall be as short and direct as possible from and to the most available, legally designated truck route or state or federal highway.
 2. The town board of trustees shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes. When such signs are erected and in place, the driver of a truck or other vehicle for which a route has been so prescribed, while passing through the town, shall keep on such route and shall not deviate therefrom, except in case of emergency. (1992 Code § 18-51)

6-5-5: MUFFLERS AND CUTOUTS: No motor vehicle with an internal combustion engine shall be operated within the town unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler, cutout, or exhaust or vacuum whistle shall be used on any motor vehicle, except that exhaust whistles may be used on authorized emergency vehicles. (1992 Code § 18-52)

6-5-6

6-5-6

6-5-6: **JAKEBRAKING PROHIBITED:** Jakebraking is prohibited upon all streets and highways within the town limits. (Ord. 219, 7-10-2003)

CHAPTER 6

BICYCLES, MOTORIZED SCOOTERS AND MOTORCYCLES

SECTION:

- 6-6-1: Traffic Laws Applicable To Bicycle Riders
- 6-6-2: Obedience To Traffic Control Devices
- 6-6-3: Riding On Bicycles
- 6-6-4: Bicycle Equipment
- 6-6-5: Operating Motorcycles
- 6-6-6: Motorized Scooters

6-6-1: **TRAFFIC LAWS APPLICABLE TO BICYCLE RIDERS:**
 Every person riding a bicycle upon a roadway shall be granted all 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 the rules of the road applicable to vehicles, or by the ordinances of the town, applicable to the driver of a vehicle, except as to special regulations in this chapter and to those provisions of state law or ordinances which, by their nature, can have no application. (1992 Code § 18-110)

6-6-2: **OBEDIENCE TO TRAFFIC CONTROL DEVICES:**

- A. **Compliance With Traffic Signals:** 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. **Turning Movements:** Whenever authorized signs are erected indicating that no right, left 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 any such turn, in which event, such person shall then obey the regulations applicable to pedestrians. (1992 Code § 18-112)

6-6-3: RIDING ON BICYCLES:

- A. **Carrying Passengers:** No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.
- B. **Riding On Right Side Of Roadway:** 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 vehicle standing or proceeding in the same direction.
- C. **Use Of Bicycle Paths:** Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.
- D. **Speed:** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
- E. **Yield To Pedestrians Or Vehicles:** The operator of a bicycle emerging from an alley, driveway or building shall yield the right of way to all approaching pedestrians, and, upon entering a roadway, shall yield the right of way to all vehicles approaching on such roadway.
- F. **Signs Prohibiting Riding Of Bicycles:** The town board of trustees is authorized to have signs placed on any sidewalk or trafficway prohibiting the riding of bicycles thereon by any person. When such signs are in place, no person shall disobey the same. (1992 Code § 18-113)

6-6-4: BICYCLE EQUIPMENT: Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from all distances, up to five hundred feet (500') to the front, and with a red reflector on the rear, of a type which shall be visible from all distances up to three hundred feet (300') to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle. (1992 Code § 18-111)

6-6-5: OPERATING MOTORCYCLES: A person operating a motorcycle, motor scooter or motor bicycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on the vehicle, unless it is

designed to carry more than one person; in such event, a passenger may ride only upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to such vehicle at the rear or side of the operator. (1992 Code § 18-155)

6-6-6: **MOTORIZED SCOOTERS:**

- A. The operation of motorized electric scooters shall be allowed upon the public streets and roadways within the municipal limits of the town, only as follows:
1. Operators shall be eight (8) years of age or older;
 2. Operation of same is restricted to the time period from one hour after sunrise to official sunset;
 3. Operators shall wear a protective helmet at all times;
 4. Operation of said scooters shall be allowed only on streets or roadways with a posted speed limit of twenty five miles per hour (25 mph) or less; and
 5. Operation of said scooters shall not be allowed on the following streets: Carnegie Street; 4th Street; 100 block of West Main to 100 block of East Main; 200 block of North Broadway to 300 block of South Broadway. (Ord. 230, 5-12-2005)
- B. Said restrictions shall not apply to those motorized vehicles specifically designed for handicapped mobility purposes. (Ord. 225, 5-13-2004)

CHAPTER 7
PEDESTRIANS

SECTION:

- 6-7-1: Application Of Chapter
6-7-2: Right Of Way; Restrictions
6-7-3: Drivers Exercise Due Care

6-7-1: APPLICATION OF CHAPTER: Pedestrians shall be subject to traffic control signals, but, at all other places, shall be granted those rights and be subject to those restrictions in this chapter. (1992 Code § 18-130)

6-7-2: RIGHT OF WAY; RESTRICTIONS:

- A. Absence Of Traffic Control Signals: When traffic control signals are not in place or 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.
- B. Pedestrian Restrictions: No pedestrian shall suddenly leave any place of safety, or walk or run into the path of a vehicle.
- C. Vehicle At Rear Of Stopped Vehicle: Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (1992 Code § 18-131)

6-7-3: DRIVERS EXERCISE DUE CARE: Notwithstanding the foregoing 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 confused or incapacitated person upon a roadway. (1992 Code § 18-132)

CHAPTER 8

VEHICLE IMPOUNDMENT

SECTION:

- 6-8-1: Purpose And Effect Of Impoundment
- 6-8-2: Authority To Impound Vehicles
- 6-8-3: Place Of Impoundment
- 6-8-4: Duration Of Impoundment
- 6-8-5: Redemption And Release Of Vehicle
- 6-8-6: Causes Of Impoundment
- 6-8-7: Abandoned, Wrecked Or Nonoperating Vehicles

6-8-1: **PURPOSE AND EFFECT OF IMPOUNDMENT:** Impoundment of vehicles under the authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety, welfare and safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares in the town from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. (1992 Code § 18-30)

6-8-2: **AUTHORITY TO IMPOUND VEHICLES:**

- A. **Police Authority To Impound:** The chief of police of the town, and members of the town police department, are hereby authorized, within the limits set forth in this title, to impound vehicles under the circumstances hereinafter enumerated.
- B. **Proper Procedure:** No impoundment shall be valid unless made under order of an authorized police officer, and in strict adherence to the procedures established in this chapter and other policies of the town. (1992 Code § 18-34)

6-8-3: PLACE OF IMPOUNDMENT: Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage, or other place of safekeeping designated by the town board of trustees, and shall not be removed to any other place. (1992 Code § 18-31)

6-8-4: DURATION OF IMPOUNDMENT:

- A. Order For Release: Unless otherwise provided hereinafter, any vehicle impounded under the provisions of this code shall be stored and held safely until a written order for its release, signed by the chief of police (or a designated representative), has been issued.
- B. Conditions For Release: The written order for release shall be conditioned upon:
 - 1. Payment of all impoundment costs and accrued storage charges assessed against the vehicle, by the person to whom the release is issued; and
 - 2. Payment of all fines and costs due the town because of traffic law or other law violations involving the vehicle, or proper security posted for said fine or law violation. (1992 Code § 18-32)

6-8-5: REDEMPTION AND RELEASE OF VEHICLE:

- A. Presentation Of Order; Payment Of Costs: The person holding the written order for release shall be entitled to obtain possession of the vehicle upon presentation of the order for release at the place of impoundment, together with payment (or tender of payment) of all impoundment costs and accrued storage charges due.
- B. Release To Person Other Than Owner: The town clerk is hereby authorized to release vehicles which have been impounded (and accept agreements and bonds to save the town harmless by such releases) to persons other than the registered owner of the vehicle.
- C. Submit Proof Of Compliance: Any party claiming an interest in an impounded vehicle shall submit (by written instruments or other documents), to the town clerk and the chief of police, proof of compliance with the following requirements:

1. Proof of interest; and
2. Agreement to save and hold harmless the town and all of its employees. (1992 Code § 18-34)

6-8-6: CAUSES OF IMPOUNDMENT:

- A. **Disabled Vehicle:** A disabled vehicle upon a street or highway may be impounded, under the following circumstances:
 1. If left unattended and improperly parked on a street or highway;
 2. If left unattended longer than seventy two (72) 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.
- B. **Vehicle On Bridge, Other Areas:** Any unattended vehicle left upon any bridge, viaduct, causeway or within the structure of a grade separation, may be impounded.
- C. **Arrest Of Driver:** Whenever the driver, or person in charge, of any vehicle is placed under arrest, taken into custody and detained by police under circumstances which leave, or will leave, a vehicle unattended on any street or highway, the vehicle may be impounded.
- D. **Illegally Parked Causing 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.
- E. **Derelict Vehicle:** When any derelict vehicle is discovered by the police department to have been parked upon any street in the town for a period of seventy two (72) hours, or more, the police department is authorized to impound the vehicle, and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the police department.
- F. **Complaint Against Owner Of Trespassing Vehicle:** A trespassing, unattended vehicle may be impounded when the required complaint has been properly made and filed. The owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's (or legal occupant's) property. 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. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe a violation has occurred, the police department shall cause the vehicle to be impounded and placed in storage.

- G. Illegally Parked Vehicle: Any unattended vehicle parked at the street curbing of any zone where parking is prohibited, and where official signs are in place giving notice thereof in violation of the prohibition, may be impounded.
- H. Blocking Fire Escape, Hydrant: Any vehicle illegally parked in such a manner that it blocks a fire escape, ladder or exit, or blocks ready access to a fire hydrant, shall be impounded.
- I. Street 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.
- J. Stolen Vehicle: Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time, not exceeding eight (8) hours, or cannot be determined from the registration papers or other identification in the vehicle (or from records or information available from reports of stolen cars), the vehicle may be removed to the nearest authorized place of impoundment and the registered owner of the vehicle notified of the location of the place of impoundment as soon as possible by the police department. 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 arrangements for the removal of the vehicle within a period of twenty four (24) hours from the time he or she is actually notified of its recovery. If the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded. (1992 Code § 18-35)

6-8-7: ABANDONED, WRECKED OR NONOPERATING VEHICLES:

- A. Abandonment Prohibited; Nuisance: Except as otherwise provided, no person shall abandon any partially dismantled, nonoperating, wrecked or junked vehicle, nor leave such vehicle for such time, and under such conditions, as to cause it to reasonably appear to have been abandoned, upon any private property, dedicated street right of way or public easement. Vehicles so abandoned or left shall constitute a public nuisance.
- B. Exceptions: Persons excepted are those who maintain such vehicles:
1. In enclosed buildings;
 2. On the premises of a business enterprise operated in a lawful place and manner, when such vehicles are necessary to the operation of said business; or
 3. In an appropriate storage facility or depository which is maintained by or for the town.
- C. Rebuttable Presumption: A rebuttable presumption exists that vehicles have been abandoned when anyone of the following conditions exists:
1. Weeds and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur; or
 2. One or more wheels are flat or missing; or
 3. Portions of the vehicle which are needed for its operation or control are missing; or
 4. Neighboring residents provide written statements as to the length of time such vehicle has been standing in one place without removal, or statements that parts are taken from, or added to, such vehicle, which would indicate a salvage, garage or used parts operation; or (1992 Code § 18-36)
 5. Evidence exists that provisions of this code pertaining to junk or salvage yards are being violated; or
 6. No current license tag is present or visible on the vehicle.

- D. Authorized Officials: Appropriate town officials (including, but not limited to, the mayor, the chief of police, the fire chief and the town clerk) may remove and impound, or cause to be removed and impounded, those vehicles which appear to be in violation of this section. (1992 Code § 18-36; amd. 2005 Code)

- E. Notice To Registered Owner: Prior to the removal and impoundment of any vehicle under the provisions of this chapter, or any of the appropriate methods of nuisance abatement (see title 4, chapter 1 of this code), the appropriate town officials shall attempt to notify, by certified mail, the registered owner of such vehicle, stating that the vehicle appears to be in violation of this chapter, and that the owner has forty eight (48) hours from the receipt of such notice to remove the vehicle. Should the town officials be unable to serve notice upon the owner, a notice containing similar provisions shall be affixed to the abandoned vehicle instead, at least forty eight (48) hours prior to the required time of compliance. (1992 Code § 18-36)

TITLE 7
PUBLIC WAYS AND PROPERTY

Subject	Chapter
Streets, Sidewalks And Public Ways	1
Library	2
Cemetery	3
Hospital	4
Airport	5

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

7-1-1 :	Trees And Shrubbery
7-1-2:	Rights Of Way And Easements
7-1-3:	Obstructions
7-1-4:	Drainage Of Polluting Substance
7-1-5:	Penalty

7-1-1 : TREES AND SHRUBBERY:

- A. **Trimming Required:** The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right of way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet (10') above the roadway of a street or alley, nor lower than eight feet (8') above the sidewalk.
- B. **Injuring Trees Or Shrubbery In Right Of Way:** It shall be unlawful for any person to injure any tree or shrubbery within any public right of way; provided, that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.
- C. **Obstructing Sight Triangle¹:**
1. Any owner, lessee or occupant of any property abutting on any street shall not allow any manmade or natural view obstruction at

1. See also subsection 9-2-1 A2 of this code.

any corner intersection, particularly within the "sight triangle". (1992 Code § 17-1; amd. 2005 Code)

2. For corner lots, regardless of land use, but not including those in midblock siding on crosswalk rights of way, there shall be a sight triangle dedicated with legs of thirty feet (30') from the point of intersection of the corner lot lines along both property lines. However, if determined by the appropriate town official, there is an existing or future potential need, a larger sight triangle may be required. All sight triangles shall be maintained free of buildings, fences, appurtenances or other structures and vegetation unless said structures or vegetation are less than two and one-half feet (2 $\frac{1}{2}$ ') above grade of the roadway gutterline. (2005 Code)

7-1-2: RIGHTS OF WAY AND EASEMENTS:

- A. **Obstructing Public Ways:** It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly used street, alley, easement or other municipally owned property, whether platted or unplatted; provided, that the town may prevent or provide access to such streets, alleys, easements and municipally owned properties from time to time, in the public interest.
- B. **Fencing Property; Easement Allowance:** The town board of trustees may permit certain streets, alleys, easements and town properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that the town board or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.
- C. **Inaccessible Property; Restrictions:** Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or municipally owned properties, as permitted above, shall:
1. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;
 2. Maintain the property so that no nuisance is created;

3. Immediately relinquish any rights presumed to be held concerning the property, upon notice by the town; and

4. Permit access to the property at any time when requested to do so by a town officer or employee.

- D. **Obstructing Dedicated Road Right Of Way:** It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right of way in the town. (1992 Code § 17-2)

7-1-3: **OBSTRUCTIONS:**

- A. **Interference With Pedestrians Or Vehicles:** It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights of way of the town, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose of said easement or right of way.
- B. **Garbage Deposits:** It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.
- C. **Hazardous Conditions On Sidewalks:** It shall be 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.
- D. **Open Manhole Or Grating:** It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the town.
- E. **Excavations; Permission Required; Guarding:**
1. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the town board of trustees.

2. Excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

- F. Preventing Flow Of Water: It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters. (1992 Code § 17-3)

7-1-4: DRAINAGE OF POLLUTING SUBSTANCE: It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 Oklahoma Statutes section 1084.2, as amended) into any street, alley, sidewalk or public right of way of the town. (1992 Code § 17-4; amd. 2005 Code)

7-1-5: PENALTY:

- A. Failure To Trim Trees; Notice Required: Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in section 7-1-1 of this chapter, after receiving ten (10) days' notice from the chief of police to do so, shall be guilty of an offense.
- B. Penalty Imposed: Any violation of this chapter shall be deemed an offense and, upon conviction thereof, shall be punishable by a fine not to exceed the limits established in section 1-9-22 of this code. Every day upon which a violation continues shall be deemed a separate offense. (1992 Code § 17-50)

CHAPTER 2

LIBRARY

SECTION:

- 7-2-1: Intent
 7-2-2: Library Established
 7-2-3: Librarian; Substitute Librarian
 7-2-4: Library Board

7-2-1: **INTENT:** It is the desire and intent of the town board of trustees to provide a public library service to the residents of the town, for the benefit of the town. (2005 Code)

7-2-2: **LIBRARY ESTABLISHED:** The Carnegie public library is hereby established. (2005 Code)

7-2-3: **LIBRARIAN; SUBSTITUTE LIBRARIAN:**

A. **Appointment:** The librarian shall be hired by the town board of trustees from recommendations of the library board.

B. **Qualifications; Applications Confidential:**

1. The librarian shall be selected on the basis of technical and personal qualifications, and shall be responsible to the library board and the town board of trustees.

2. All applications for the job of librarian shall be sent to the town clerk and shall be kept strictly confidential and available to library board and town board members only.

3. All applications will be reviewed by the town board of trustees and the selection made on the basis of qualifications and a ballot vote.

- C. Probationary Period: The librarian shall serve a probationary period of one year.
- D. Report To Library Board: The librarian shall submit, at each regular library board meeting, the number of books checked out, the number of new readers, all correspondence received of importance, or anything of importance regarding the town library.
- E. Attend Workshops; Supply Information To Organizations: The librarian should attend workshops and sessions, whenever and wherever available, and shall contact and inform groups or organizations of any special service offered, or changes in procedure.
- F. Keep List Of Books; Record Of Donations: The librarian shall keep a list of all books and bulletins, shall post said list on the bulletin board for the benefit of readers, and shall also keep a record of all donations of books, magazines, etc., for possible entry in the newspaper.
- G. Substitute Librarian:
 1. The person who assists the librarian shall be called the substitute librarian, and will be selected by the librarian with the approval of the town board of trustees.
 2. The substitute librarian shall be responsible to the librarian and carry out whatever the librarian requires to be done. (1992 Code § 1-34; amd. 2005 Code)

7-2-4: LIBRARY BOARD:

- A. Board Created: There is hereby created a library board for the town.
- B. Membership; Compensation:
 1. The Carnegie public library shall be governed by a board of directors consisting of five (5) members selected from the residents of the town by the town board of trustees.
 2. All library board directors shall serve thereon without compensation.

C. Terms; Vacancies:

1. Said board members shall hold office for a term of three (3) years from the first day of May following their appointment. At the first regular meeting of the board, the directors shall cast lots for respective terms of one year, two (2) years and three (3) years.

2. Vacancies in the library board of directors shall be filled in the same manner as original appointments. (1992 Code § 1-44; amd. 2005 Code)

D. Removal: Any member of the board of directors may be removed by the town board of trustees for misconduct or neglect of duty.

E. Officers; Rules And Regulations:

1. Immediately after the initial appointment, the board of directors shall meet and organize by electing one director as president, one director as secretary, and by electing such other officers as the board may deem necessary.

2. They shall adopt such rules and regulations for their own guidance and for the governance and operation of the town library as may be expedient and not inconsistent with this code and the laws of Oklahoma, subject to approval of the mayor and the board of trustees of the town. (1992 Code § 1-44)

F. General Duties:

1. The board shall recommend a suitable librarian and assistants to the town board of trustees.

2. The board shall recommend an annual budget to the town board.

3. The board shall set the policy of the library, account for all funds collected and placed to the credit of the library, and supervise and care for the grounds, rooms or buildings constructed, leased or set aside for the library.

G. Finances; Disbursements:

1. All monies received by the librarian from the operation of the library, or otherwise, shall be paid by said librarian to the town treasurer, who shall deposit the same in a special account, separate and apart from other monies in the town treasury, to be designated

the "library fund". Such monies shall be paid out only upon warrants authorized by the town board.

2. The town board shall have authority to establish a petty cash fund, not to exceed the sum of one hundred dollars (\$100.00) at any one time, for use in maintaining the library, which money shall be expended and fully accounted for by the librarian, on forms prescribed and authorized by the town board of trustees. (1992 Code § 1-44; amd. 2005 Code)

H. Annual Report To Town And State:

1. The library board of directors shall make, on or before July 31 in each year, an annual report to the mayor and the town board of trustees. Such report shall include the condition of its funds as of June 30; the various sums of monies and property received by the library and how such monies have been expended; the budget for the coming year; how many books have been added and loaned out; and the number of persons making use of the library during the year.

2. A similar report shall be filed at that time with the Oklahoma department of libraries, on state forms.

I. Annual Appropriation: The mayor and the town board of trustees shall annually appropriate to the library board of directors from funds available to the town, such monies as are deemed necessary to operate and maintain the Carnegie public library for the education and cultural enrichment of the citizens of the town. (1992 Code § 1-44)

CHAPTER 3

CEMETERY

SECTION:

- 7-3-1: Control And Supervision By Town Board
- 7-3-2: Cemetery Property Defined
- 7-3-3: Acceptance Or Refusal Of Gifts
- 7-3-4: Approval Of Plans
- 7-3-5: Interments, Burial Plots And Grave Markers
- 7-3-6: Decorative Vegetation, Ornaments And Objects
- 7-3-7: Miscellaneous Restrictions
- 7-3-8: Regulations In Particular Sections Of Cemetery
- 7-3-9: Penalty

7-3-1: **CONTROL AND SUPERVISION BY TOWN BOARD:** The municipal cemetery shall be under the control and supervision of the town board of trustees. (1992 Code § 16-70)

7-3-2: **CEMETERY PROPERTY DEFINED:** The term "cemetery property" shall include all cemeteries, streets, parking, squares and areas of land within the management of the town board of trustees; and all buildings, structures improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbages, flowers and other things thereon and enclosures of the same; and all shade trees on streets or thoroughfares, resting places, watering stations, or the like; and all connecting parkways and roads or drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description, or objects of interest or instruction; and all tools and implements placed in or on any of such enclosures, ways, parkways, roads or places; and said included terms shall be liberally construed. (1992 Code § 16-73; amd. 2005 Code)

7-3-3: **ACCEPTANCE OR REFUSAL OF GIFTS:**

- A. **Bequests For Cemetery Improvement:** Real and personal property may be granted, bequeathed, devised or conveyed to the town for

the purpose of the improvement or ornamentation of a municipal cemetery or approaches, or for the establishment or maintenance therein of monuments, statues, fountains or other works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof and accepted by the town board of trustees.

- B. Town Board Control: All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the management, direction and control of the town board of trustees.
- C. Authority To Refuse Gifts: The town board of trustees shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuitable for cemetery purposes, or the improvements of which would entail an injudicious outlay. (1992 Code § 16-77; amd. 2005 Code)

7-3-4: APPROVAL OF PLANS: All plans for new work or changes in any municipal cemetery, parking area, etc., of the town shall be examined by a landscape architect, if any, in charge, and his report and statement of advice shall be placed upon the records of the town board of trustees before the plans can be adopted or their execution begun. (1992 Code § 16-78; amd. 2005 Code)

7-3-5: INTERMENTS, BURIAL PLOTS AND GRAVE MARKERS:

A. Interments; Burial Plots:

1. Signing Form In Clerk's Office: Any party wanting to make an interment must first show evidence of this decision and authority, then sign a form in the town clerk's office.

2. Plot Location Fee: The town has a fee set of twenty five dollars (\$25.00) for each staking or locating in the cemetery of a burial plot and a fee of ten dollars (\$10.00) for each staking or locating in the cemetery for monument placements. Further, only one interment per space shall be allowed.

B. Record Of Cemetery Activities; Permit: Any company desiring to set or reset a stone, or open or close a grave, or for any reason entering the cemetery with a truck and poles must obtain a permit from the town clerk so that a note can be taken of this company's presence in

the cemetery. A list of such activity shall be kept in case of damages.

C. Burial Permit; Grave Opening Or Closing:

1. All burials within any municipal cemetery shall include an outer box constructed of concrete or steel.

2. The town shall require twenty four (24) hours' notice by the owner or his duly authorized representative before a grave is opened.

3. The owner of the lot shall be required to also give twenty four (24) hours' notice to the town if a person not of the owner's immediate family is to be buried.

4. The sole right to open and close any grave is vested in the town.

5. No person, firm or corporation shall open or close any grave without obtaining a permit from the town clerk.

D. Property Rights Of Deceased Plot Owners: Property rights of deceased plot owners will be held inalienable for the family or descendants.

E. Grave Markers:

1. A single grave marker shall be no larger than four feet in height by five feet in width (4' x 5').

2. The town shall have the sole right to supervise the installation of grave markers, and twenty four (24) hours' notice must be given to the town prior to the installation of any markers. (1992 Code § 16-74; amd. Res. 1999-7,9-9-1999; 2005 Code)

7-3-6: DECORATIVE VEGETATION, ORNAMENTS AND OBJECTS:

A. Planting Trees, Flowers Or Shrubs: Consent Required: No trees, plants, flowers, shrubbery or vines shall be planted within the municipal cemetery without the written consent of the board of trustees.

B. Improvements Or Structures: No curbs, fences, seats, benches, flag poles or other improvements or structures of any kind shall be

constructed or placed within the municipal cemetery without the written consent of the board of trustees.

- C. Statues: All statues and/or ornaments of any kind or description must fit on the base of the headstone.
- D. Flowers:
 1. All cut or artificial flowers must be placed on top of the headstone or in vases placed or affixed on the base of the headstone.
 2. Any such flowers or related decorations will be permitted on the ground only within that period seven (7) days preceding and following Memorial Day.
 3. No flowers or ornaments of any kind or description shall be placed on or around footstones.
- E. Footstones, Cornerstones: All footstones and cornerstones shall be flat and shall be no more than one inch (1 ") above dirt level.
- F. Rocks On Graves: No rock of any kind shall be placed on graves or lots. (Res. 1999-7, 9-9-1999)

7-3-7: MISCELLANEOUS RESTRICTIONS:

- A. Unattended Children: Unattended children under fourteen (14) years of age shall not be permitted to loiter in the cemetery at any time.
- B. Firearms: No firearms shall be allowed on the cemetery grounds, except for military funeral purposes. (1992 Code § 16-74)

7-3-8: REGULATIONS IN PARTICULAR SECTIONS OF CEMETERY:

- A. Upright Monuments; Head And Foot Markers; Cornerstones: All upright monuments to be set on odd numbered lots will be set on the west end of the lot. All upright monuments to be set on even numbered lots will be set on the east end of the lot. All upright monuments (if used) will then have the foot marker at the opposite end from the upright monument. If no upright monument is used, then the head marker may be placed at either end of the lot. All head and foot markers will be set flat no higher than one inch (1 ") above

the ground. Absolutely no other markers than those mentioned above shall be used. Cornerstones will be allowed on full lots only. These may be set no more than one inch (1") above the ground.

- B. Curbs; Grass: There will be no new curbs in sections A,B, C and 0 of the cemetery without the written consent of the board of trustees. Only grass may be planted on the lot.
- C. Landscaping: All landscaping will be at the discretion of the town board of trustees.
- D. Lots in sections A, B, C and 0 shall be twelve feet by twenty feet (12' x 20').
- E. Statuary: Statuaries are not allowed. (Ord. 195, 7-17-1994; amd. 2005 Code)

7-3-9: PENALTY: Any person who violates any provision of this chapter shall be subject to penalty as provided in section 1-9-22 of this code, and may be liable for any costs to repair damages caused by such violation. (2005 Code)

CHAPTER 4

HOSPITAL

SECTION:

7-4-1 : Operational Control

7-4-1: OPERATIONAL CONTROL: The Carnegie municipal hospital shall be under the control of the town board of trustees and contracted to be operated by the Carnegie municipal hospital authority. (1992 Code § 16-100; amd. 2005 Code)

CHAPTER 5

AIRPORT

SECTION:

7-5-1: Operational Control

7-5-1: OPERATIONAL CONTROL: The Carnegie municipal airport shall be under the operational control of the town board of trustees. (1992 Code § 16-120)

TITLE 8
UTILITIES

Subject	Chapter
Utility Systems	1
Water System	2
Wellhead Protection	2A
Sewer System	3
Grease, Oil And Sand Interceptors	3A
Solid Waste System	4

CHAPTER 1

UTILITY SYSTEMS

SECTION:

- 8-1- 1: Municipal Utility Systems
- 8-1- 2: Use Of Utility Systems
- 8-1- 3: Operation Of Utility Systems
- 8-1- 4: Turning On Utilities
- 8-1- 5: Delinquencies; Discontinuance Of Service
- 8-1- 6: Customer Responsibility
- 8-1- 7: Nonliability Of Town For Utility Interruption
- 8-1- 8: Right Of Entry For Inspection
- 8-1- 9: Interference With Hydrants; Damaging Utility System
- 8-1-10: Penalty

8-1-1 : MUNICIPAL UTILITY SYSTEMS:

- A. Services Provided By Town: The town provides water, sewer and solid waste services for the residents of the town.
- B. Operation Through Public Works Authority; Exception:
 - 1. Water and sewer services are operated through the Carnegie public works authority, a municipal trust of which the town is the beneficiary. Said trust shall have control over the operation, maintenance and administration of said systems and services.
 - 2. Solid waste collection and disposal is the responsibility of the town. (1992 Code § 16-1)

8-1-2: USE OF UTILITY SYSTEMS: Every residential inhabitant within the corporate limits of the town, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the water system owned by the town and leased to the Carnegie public works authority; connect to the sanitary

3. The town clerk shall see that the utility is turned on when all requirements for service have been complied with.

- B. Turning Back On, Permission From Clerk: When a utility has been turned off by town personnel, it shall not be turned on again without written permission of the town clerk. (1992 Code § 16-140)

8-1-5: DELINQUENCIES; DISCONTINUANCE OF SERVICE:

- A. Additional Services; Payment Of Bills And Charges: A person owing delinquent municipal utility bills or other charges in connection with any municipal utility system shall not be extended additional services until such bills and charges have been paid.

- B. Reasons For Turning Off: Utilities may be cut off and service discontinued for any of the following reasons: (1992 Code § 16-141)

1. Violation of any ordinance provision relating to any municipal utility or service system, or violation of any ordinance provision or any provision of a code adopted by reference, relating to water and sanitary plumbing installations; or (1992 Code § 16-141; amd. 2005 Code)

2. Failure to pay a utility bill or other proper charge made in connection with the municipal utility system by the time specified by ordinance.

- C. Jeopardizing Public Health; Public Nuisance: A particular service may be cut off for any act or omission in regard to the abuse of another municipal system or service, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

- D. Right To Shut Off Water: The town reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the municipal utility system. (1992 Code § 16-141)

8-1-6: CUSTOMER RESPONSIBILITY: All customers using any municipal utilities systems shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions. (1992 Code § 16-142)

CHAPTER 2

WATER SYSTEM

SECTION:

- 8-2-1: Mandatory Use Of Water System
- 8-2-2: Water Rates, Fees And Charges; Payment Of Bills
- 8-2-3: Injuring Water System
- 8-2-4: Penalty

8-2-1: MANDATORY USE OF WATER SYSTEM:

- A. Connection Required; Multiple Structures: The owners of all houses, buildings or properties used for human occupancy, employment, education, recreation or other purposes, situated within the town, and abutting on any street, alley or right of way in which there is now located, or may in the future be located, a municipal water line, are hereby required, at their expense, to connect their facility with the proper municipal water line (in accordance with all municipal requirements) and pay all municipal fees and use charges; provided, that the municipal water line is within three hundred feet (300') of the property line. Provided further, that in the event more than one structure used for human occupancy exists on a lot, or adjacent and contiguous lots under common ownership, and said structures were prior to this date connected to the same water line, then the charge therefor shall be based upon one minimum rate, or actual water usage, whichever is greater, billable to, and payable by, that party to whom the meter is assigned. (Ord. 216, 11-14-2002)
- B. Private Water Wells:
 - 1. Connection To Municipal Water Required: It shall be hereinafter unlawful for any person to maintain or establish a private water well to serve a facility, unless said person shall first be connected to the municipal water system and pay the monthly water fees and charges; provided, that said person also meets all the requirements for mandatory hookup established in subsection A of this section.

Residential service	\$ 75.00 (minimum)
Business, commercial or rental residential service	100.00 (minimum)

2. Refund: Deposits shall be refunded in full if there have been no late payments for a minimum of one year after posting. Deposits are required to be reposted in the above referenced amounts upon first late payment after refund, irrespective of the amount of said refund. (Ord. 214, 6-13-2002)

C. Due Date; Delinquencies; Reconnection Fee:

1. Water service payments shall be due on the tenth of each month.

2. Notices shall be sent by the fifteenth of the next month and service disconnected if overdue amounts are not paid within seven (7) days of this notice.

3. A fee of seven dollars fifty cents (\$7.50) shall be added to all accounts not paid by said notification date. After water service is disconnected, a reconnect fee of twenty five dollars (\$25.00) will be assessed. Before service will be reestablished, all fees assessed and the full amount due on said account must be paid in full. (Ord. 218, 7-10-2003; amd. 2005 Code)

8-2-3: INJURING WATER SYSTEM: It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the municipal water system, or to turn the water off or on, or to use water from any main from said system at any time or place, unless said person is duly authorized so to do by the Carnegie public works authority. (Ord. 211, 9-11-2001)

8-2-4: PENALTY: See section 8-1-10 of this title for penalty provisions. (2005 Code)

CHAPTER 2

WATER SYSTEM

ARTICLE A. WELLHEAD PROTECTION

SECTION:

- 8-2A-1 : Short Title And Purpose
- 8-2A-2: Definitions
- 8-2A-3: Wellhead Protection Zone
- 8-2A-4: Permitted Uses
- 8-2A-5: Prohibited Uses

8-2A-1 : SHORT TITLE AND PURPOSE:

- A. Title: This article shall be known as the *WELLHEAD PROTECTION ORDINANCE*.
- B. Purpose: The purpose of this article is to ensure the provision of a safe and sanitary drinking water supply for the town by establishment of wellhead protection zones surrounding the wellheads for all wells which are the supply sources for the Carnegie water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. 213, 4-11-2002, eff. 4-11-2002)

8-2A-2: DEFINITIONS: When used in this article, the following words and phrases shall have the meanings given in this section:

- HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - A. Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or

8-2A-5: **PROHIBITED USES:** The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 8-2A-4 of this article, unless such uses are approved or permitted by state and federal regulatory agencies:

- A. Surface use or storage of hazardous material, including commercial use of agricultural pesticides.
- B. Septic tanks or drain fields appurtenant thereto.
- C. Impervious surfaces other than roofs of buildings and streets, parking lots, driveways and walks serving buildings permitted under section 8-2A-4 of this article.
- D. Sanitary landfills.
- E. Hazardous waste disposal sites.
- F. Storm water infiltration basins.
- G. Underground storage tanks.
- H. Sanitary sewer lines within one hundred feet (100') of a wellhead. (Ord. 213, 4-11-2002, eff. 4-11-2002)

CHAPTER 3

SEWER SYSTEM

SECTION:

- 8-3-1: Compliance With Regulations
- 8-3-2: Mandatory Sewer Connections
- 8-3-3: Sewer Rates
- 8-3-4: Private Sewage Disposal Facilities
- 8-3-5: Industrial Wastes
- 8-3-6: Penalty

8-3-1: **COMPLIANCE WITH REGULATIONS:** It shall be unlawful for any person, firm or corporation to make any connection to the municipal sewer system without first complying with all applicable provisions of this code and all requirements of the Carnegie public works authority. (1992 Code § 16-20)

8-3-2: **MANDATORY SEWER CONNECTIONS:**

- A. **Connection Required; Time Limit:** The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town and abutting on any street, alley or right of way in which there is located a public sanitary sewer of the town, are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within one hundred twenty (120) days after the date of official town notice to do so; provided, that such public sewer is within three hundred feet (300') of the property line.
- B. **Serving Of Notice:** Said notice, as provided for in subsection A of this section, shall be served by any designated agent of the town by delivering a true and correct copy to the property owner, or leaving the same at said person's usual place of residence with a member of the family over the age of fifteen (15) years, or if such owner cannot

manner at all times, at no expense to the town, and no statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local, county or state health officers.

- D. Connection When Public Sewer Available; Abandonment Of Septic Tank: At such time as a public sewer becomes available to a property served by a septic tank, a direct connection shall be made to such public sewer in compliance with section 8-3-2 of this chapter, and the septic tank shall immediately be abandoned and filled with suitable material. (1992 Code § 16-22; amd. 2005 Code)

8-3-5: INDUSTRIAL WASTES:

A. Prohibited Discharges:

1. No person may discharge to a public sewer any waste which by itself or by interaction with other wastes may:

a. Injure or interfere with wastewater treatment processes or facilities; or

b. Constitute a hazard to humans or animals; or

c. Create a hazard in the receiving waters of the wastewater treatment plant effluent.

2. Any new connections from inflow sources into the sanitary sewer portions of the sewer shall be prohibited.

3. It is the intention of the town to regulate present and future industrial wastewater which might be discharged by a user of the facilities. Wastewater introduced into the facilities shall contain no toxic or other pollutants in amounts or concentrations that endanger public safety or the physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the use of the most cost effective wastewater treatment and sludge disposal system. (1992 Code § 16-160)

B. New Sewers And Connections:

1. The connection of all building sewers into the public sewer lines shall conform to the requirements of the building and plumbing

CHAPTER 3

SEWER SYSTEM

ARTICLE A. GREASE, OIL AND SAND INTERCEPTORS

SECTION:

- 8-3A-1 : Interceptors Required; Exceptions
- 8-3A-2: Requirements And Restrictions
- 8-3A-3: Right Of Entry For Inspection
- 8-3A-4: Notice Of Violation; Remedial Action
- 8-3A-5: Penalty

8-3A-1 : INTERCEPTORS REQUIRED; EXCEPTIONS:

A. Required For Certain Businesses:

1. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchenwares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal.

2. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the building's drainage system, the public sewer or the municipal sewage treatment plant.

B. Residential Units Excepted: Interceptors shall not be required for private living quarters or residential dwelling units. (1992 Code § 4-134)

covered under section 8-3A-1 of this article, constructed henceforth, shall include an approved interceptor. (1992 Code § 4-134; amd. 2005 Code)

8-3A-3: RIGHT OF ENTRY FOR INSPECTION: The building inspector or mayor shall have the right of entry during usual business hours, to conduct an inspection of an interceptor or separator. (1992 Code § 4-134; amd. 2005 Code)

8-3A-4: NOTICE OF VIOLATION; REMEDIAL ACTION:

- A. Serving Of Notice; Contents Of Notice: Any person found to be in violation of this article shall be served with written notice stating the violation and providing seventy two (72) hours for the satisfactory correction thereof.
- B. Cease Violation: The offender shall, within the period of time stated in such notice, permanently cease all violations.
- C. Subsequent Violations: In the event an establishment is cited with a second violation within six (6) months of the first, the time allowed for correction shall be reduced to forty eight (48) hours. A third citation within six (6) months from the first violation will be cause for the town to immediately discontinue water service to the establishment, during which time the offender shall correct the violation. (1992 Code § 4-134)

8-3A-5: PENALTY: Any person who shall continue any violation beyond the time limits provided for in section 8-3A-4 of this article, and upon conviction thereof, shall be fined in an amount not exceeding the limits established in section 1-9-22 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (1992 Code § 4-134)

CHAPTER 4

SOLID WASTE SYSTEM

SECTION:

- 8-4-1 : Municipal Function
- 8-4-2: Purpose
- 8-4-3: Definitions
- 8-4-4: Charges For Collection And Disposition
- 8-4-5: Garbage Receptacle Requirements
- 8-4-6: Accumulation A Nuisance; Containers
- 8-4-7: Burning Of Solid Waste
- 8-4-8: Disposal Of Solid Waste By Nonresidents
- 8-4-9: Penalty

8-4-1: **MUNICIPAL FUNCTION:** The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a municipal function of the town, as a protection of the public health. The police powers of the town shall be invoked when necessary for the enforcement of this chapter. In addition, the town may collect and dispose of refuse, as it deems necessary; provided, that such disposal shall be an approved method of incineration (not open burning) or by landfill and daily cover. (1992 Code § 16-30)

8-4-2: **PURPOSE:** It is the purpose of this chapter and it is hereby declared to be the policy of the town, pursuant to the authority of the Oklahoma solid waste management act¹ to regulate the collection and disposal of solid waste in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community's environment. (1992 Code § 16-31; amd. 2005 Code)

1. 27A AS § 2-10-101 et seq.

8-4-5: GARBAGE RECEPTACLE REQUIREMENTS:

- A. Receptacles Required: The owner or occupant, as the case may be, on any and all premises in the town shall procure, supply and place up to four (4) watertight, plastic or other lightweight cans that must be of sufficient size to hold not more than thirty three (33) gallons, with close fitting covers and rack for said cans, except that no rack shall be required for curbside pick up.
- B. Placement For Collection: Said plastic or other lightweight cans shall be placed on the alley, or in case it is more convenient to the collector, then said cans may be placed on some place on the lot or premises outside the buildings for access to the same. (Ord. 231, 5-12-2005)
- C. Depositing Garbage In Receptacles: Said owner or occupant shall deposit all garbage in said cans placed in the alley or other convenient places on the premises, so that the same may be removed at stipulated times from said premises.
- D. Maintenance Of Receptacles; Sanitary Condition: It shall be the duty of the owner of the said cans to keep them clean at any and all times, and to maintain them in a sanitary condition. (1992 Code § 16-35)
- E. Businesses; Differing Requirements: The requirements for plastic or other lightweight containers shall not apply to all commercial businesses; such entities shall be required to deposit refuse in containers acceptable to the municipal collection agent.
- F. Violation; Surcharge: It shall be unlawful and an offense for any person, firm or corporation to violate the provisions of this section, and those in violation of same shall be assessed a surcharge of five dollars (\$5.00) per each such violation or occurrence which shall be added to the next month's utility billing statement. (Ord. 231, 5-12-2005)

8-4-6: ACCUMULATION A NUISANCE; CONTAINERS:

- A. Accumulation A Nuisance; Abatement:
 - 1. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or

8-4-9

8-4-9

8-4-9: PENALTY: See section 8-1-10 of this title for penalty provisions. (2005 Code)

TITLE 9
BUILDING AND DEVELOPMENT

Subject	Chapter
Building Codes And Regulations	1
Permits And Certificates	2
Special Permits	2A
Planning And Preservation Commissions	3
Planning Commission	3A
Preservation Commission	3B
Manufactured, Mobile And Modular Housing	4
Mobile Home, Manufactured Housing And Trailer Parks	4A
Flood Prone Areas	5

CHAPTER 1

BUILDING CODES AND REGULATIONS

SECTION:

- 9-1-1: Codes Adopted
- 9-1-2: Modifications Of Adopted Codes
- 9-1-3: Codes On File; Effect; Conflicts
- 9-1-4: Fire Limits
- 9-1-5: Maintenance Of Historic Sites
- 9-1-6: Moving Buildings
- 9-1-7: Off Street Parking
- 9-1-8: Nonliability Of Officers And Employees
- 9-1-9: Penalty

9-1-1: **CODES ADOPTED:** The particular model construction codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this town code, as fully as if set out at length herein, for the purpose of establishing rules and regulations for the following activities carried on within the corporate limits of the town:

- A. **Building Code:** The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

Standard building code (recommended by the Southern Building Code Congress), 1991 edition.

- B. **Plumbing Code:** The installation or alteration of plumbing and drainage systems for buildings and structures:

Standard plumbing code (recommended by the Southern Building Code Congress), 1991 edition.

- C. **Electrical Code:** The installation or alteration of electrical equipment for buildings or structures:

National electrical code (recommended by the American Insurance Association), 1990 edition.

- D. Housing Code: The provision of basic, housing standards for the preservation of the health, safety and welfare of occupants:

Standard housing code (recommended by the Southern Building Code Congress), 1990 edition.

- E. Fire Prevention Code¹: The provision of basic safeguards to life and property from the hazards of fire and explosion:

National fire prevention code (recommended by the American Insurance Association), 1990 edition.

- F. Gas Code: The installation or alteration of gas systems for buildings or structures:

Gas appliances and gas piping (recommended by the National Fire Protection Association), 1990 edition.

- G. Energy Conservation Code: The provision of basic standards for energy conservation in building and structures:

Basic energy conservation code (recommended by Building Officials and Code Administrators International-BOCA), 1991 edition.

- H. Mechanical Code: The provision of basic standards for mechanical installations in buildings and structures:

Basic mechanical code (recommended by Building Officials and Code Administrators International-BOCA) 1991 edition.

- I. Life Safety Code; All Volumes: The provision of basic standards for life safety considerations in buildings and structures:

Life safety code (recommended by the American Insurance Association), 1991 edition. (1992 Code § 4-1)

1. See also section 5-2-8 of this code for enforcement and variance provisions.

9-1-2: MODIFICATIONS OF ADOPTED CODES:

- A. Town: Wherever the words "city", "town" or "municipality" are used in these model construction codes adopted, it shall mean the town of Carnegie, Oklahoma.
- B. Official Titles: All official titles used in those model construction codes adopted shall be interpreted as defined in this town code.
- C. Maximum Penalties: Maximum penalties for violation of provisions of those model construction codes adopted shall be as provided in section 9-1-9, "Penalty", of this chapter.
- D. Wood Shingles: Notwithstanding any provisions of any of those model construction codes adopted by this chapter, wood shingles may be used for roofing.
- E. References To Limits: All limits, except "fire limits", referred to in any of those model construction codes adopted by this chapter are hereby established as the corporate limits of the town. (1992 Code § 4-2)

9-1-3: CODES ON FILE; EFFECT; CONFLICTS:

- A. Codes On File: Three (3) copies of the model construction codes adopted by the town shall be and remain on file in the office of the town clerk.
- B. Effect: From the date on which this chapter shall take effect, the provisions of said codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the town.
- C. Conflicts: Whenever any provision of any of those model construction codes adopted by this chapter conflicts with the town code, the provisions of the town code shall govern. (1992 Code § 4-3)

9-1-4: FIRE LIMITS:

- A. Limits Described: The following area within the corporate limits of the town shall embrace and constitute the "fire limits" of the town:

Beginning at the northeast corner of Block Nine (9) in the First Addition to the Town of Carnegie; then west along the centerline of Ash Street to the intersection of the centerline of Colorado Street; then south along the centerline of Colorado Street to the intersection of the north line of the Chicago, Rock Island and Pacific Railroad right of way; then in a northeasterly direction along the north line of the Chicago, Rock Island and Pacific Railroad right of way to the intersection of the centerline of Park Street; then north on the centerline of Park Street to the point of beginning.

- B. Rebuilding Structure Damaged By Fire: It shall be unlawful to rebuild any building which has been more than fifty percent (50%) destroyed by fire, except as otherwise stated in this town code. (1992 Code § 4-131; amd. 2005 Code)

9-1-5: MAINTENANCE OF HISTORIC SITES:

- A. Maintenance Required; Additional Regulation: Every person in charge of an improvement on a locally delineated historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair. This section shall be in addition to all other provisions of law, local ordinance or codes requiring buildings or structures to be well maintained.
- B. Building Code Variances: Insofar as they are applicable to a landmark, historic site or improvement in a historic district, any provision of any adopted model construction codes may be varied or waived, on application, by the building inspector; provided, that such variance or waiver does not endanger public health or safety.
- C. Exception: Nothing contained in this title shall prohibit the construction, reconstruction, alteration, demolition or any improvement on a historic site or in a historic district pursuant to written order of any federal or state agency or pursuant to any court judgment to remedy conditions determined to be dangerous to life or health. In such case, no approval from the preservation review commission shall be required. (1992 Code § 4-5)

- 9-1-6: MOVING BUILDINGS: No frame building shall be moved from without to within the corporate limits of the town, which, by reason of its age, state of repair, condition of wiring or which, for any

other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare. (1992 Code § 4-132)

9-1-7: OFF STREET PARKING: All off street parking shall be designed, constructed and utilized in accordance with the provisions and requirements contained in the town standards and requirements. (1992 Code § 4-135; amd. 2005 Code)

9-1-8: NONLIABILITY OF OFFICERS AND EMPLOYEES:

- A. Nonliability Of Enforcement Officials: Any officer or employee of the town charged with the enforcement of this title and acting in good faith and without malice, for the town, in the discharge of official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.
- B. Defense Provided By Town: Any suit brought against any officer or employee because of such act or omission performed in the enforcement of any provisions of the adopted codes may be defended by the town attorney until the final termination of the proceedings. (1992 Code § 4-138)

9-1-9: PENALTY: Any person, firm or corporation who shall fail to do anything required by this title or by any code adopted by this chapter, who shall otherwise violate any provision of this title or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any town official provided for in this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-9-22 this code. Each day upon which a violation continues shall be deemed a separate offense. (1992 Code § 4-200)

CHAPTER 2

PERMITS AND CERTIFICATES

SECTION:

- 9-2- 1: Building Permit Requirements; Fees
- 9-2- 2: Review Of BUilding Permit Application; Conditions
- 9-2- 3: Development In Flood Hazard Areas
- 9-2- 4: Certificate Of Appropriateness, Historic Site Restoration
- 9-2- 5: Consideration; Permit Issuance Or Denial
- 9-2- 6: Display Of Permit
- 9-2- 7: Failure To Initiate Work
- 9-2- 8: Record Of Permits And Fees
- 9-2- 9: Monitor Utility Hookup Requests
- 9-2-10: Appeal Building Permit Decisions
- 9-2-11 : Conflicting Provisions
- 9-2-12: Revocation Of Permit

9-2-1: BUILDING PERMIT REQUIREMENTS; FEES:

A. Various Permits Required:

1. Construction, Demolition, Relocation; Inspection Fee: No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction without first obtaining a separate building permit for each such building or structure from the office of the town clerk. Said permit shall be in addition to, and separate from, all other requirements for zoning clearance permits or certificates of appropriateness:

2. Fences:

a. An applicant for a building permit related to the construction, replacement or major repair (more than 50 percent) of any type of fence in the town shall comply with the following requirements:

(1) Any fencing located in front of the main structure shall be no higher than three feet (3'), except those constructed of chainlink. (1992 Code § 4-10; amd. 2005 Code)

(2) Fencing shall not cause any obstruction to any public right of way or drainage easement, excluding utility easements (where fencing shall be placed on either the easement line or the property line, depending on the remaining fence placements in the adjacent lots).

(3) No fencing shall be allowed to obstruct the sight triangle at intersections or corners¹.

b. Noncompliance shall be grounds for nonissuance or revocation of the permit by the town clerk.

B. Manmade Changes To Real Estate In Flood Hazard Areas²: No manmade change to improved or unimproved real estate located within a designated flood hazard area, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate building permit has been obtained for each such operation from the office of the town clerk. (1992 Code § 4-10)

C. Freestanding Mobile Homes³:

1. Placement On Individual Lot Allowed: Notwithstanding subsections A and B of this section, a lot in a residential area having no residential dwelling thereon may be used by the owner/lessee thereof for parking of one mobile home to be used as his or her dwelling or for residential rental purposes.

2. Payment Of Monthly Utility Fees: The owner/lessee of any such single mobile home space shall pay to the town clerk, when such space is occupied by a mobile home, the same monthly fees for water, sewer, and garbage service, and shall be subject to the same penalties for nonpayment of such fees as are provided by ordinance for single-family dwelling units.

1. See also subsection 7-1-1 C of this code.

2. See also section 9-2-3 of this chapter, and chapter 5 of this title.

3. See also section 9-4-3 of this title.

3. Compliance With Sewer, Water, Sanitation And Electric Installations: Any single mobile home located within the town, not in a mobile home park as described herein, should comply with all regulations concerning inspections by the health officer, building inspector and fire marshal to comply with the requirements herein relating to sewer, water, sanitation and electric installations.
4. Permission, Permit Required: Before any mobile home shall be moved onto any lot within the town limits, the owner of said mobile home must obtain the approval of the board of trustees at a regular meeting, and shall obtain such permit as the board may require.
5. Compliance With Plat Restrictions, Protective Covenants: The provisions of this subsection shall apply, provided such provisions do not violate any plat restriction or protective covenant applicable to the lot upon which the mobile home is located.
6. Tie Downs And Skirting: The provisions of section 9-4A-19 of this title for tie downs shall apply to any such mobile home moved onto any lot, and same shall be properly skirted and otherwise situated as the board of trustees may prescribe. (Ord. 196, 10-5-1995)
- D. Minor Repairs: Minor repairs of buildings or structures, the cost of which shall not exceed one thousand dollars (\$1,000.00), may be made without obtaining a building permit; provided, that plumbing, electrical or mechanical work covered by adopted model construction codes shall require an appropriate permit.
- E. Application For Permit: All applications for building permits shall be signed and in writing, upon an official blank form supplied by the office of the town clerk or the building inspector, and shall be submitted to either of said officials, along with the required fee. (1992 Code § 4-10)
- F. Building Permit Fees: Building permit fees shall be determined according to the estimated construction cost, based primarily upon the town costs incurred in the administration of the town building permit system. (1992 Code § 4-10; amd. 2005 Code)
- G. Administration Of Building Permit Process: The office of the town clerk shall be responsible for the administration of the building permit process; provided, that building permit application forms may be obtained from, and submitted to, the building inspector. (1992 Code § 4-10)

9-2-2: REVIEW OF BUILDING PERMIT APPLICATION; CONDITIONS:

- A. Contents Of Application; Required Documents: Applications for building permits shall contain all applicable information required on the building permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the office of the town clerk, the building inspector, this code or the town board of trustees.
- B. Receipt Of Application And Fee; Ensure Compliance: Upon receipt of a complete building permit application and the required fee, the town clerk shall immediately turn the application over to the building inspector, who shall review the application to ensure that:
1. The involved land is properly zoned for the proposed use.
 2. Applicable zoning district provisions (including floodway and floodway fringe district provisions), and any applicable historic preservation provisions, have been met.
 3. Legally dedicated roadway access is available, and proof of such dedication has been provided.
 4. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate.
 5. All easements and street right of way areas provided in the recorded plat, if any, are not encroached upon. To this end, the builder of any structure located in the town shall, by receipt of the building permit, agree to furnish the purchaser of the structure with a survey of the lots and structures thereon, upon completion of construction, indicating compliance with this requirement. Said survey shall be signed by a surveyor licensed in the state of Oklahoma.
 6. All other floodplain regulations, if applicable, have been met and the required information provided.
 7. Applicable historic preservation regulations have been met.
 8. All other required town permits and/or licenses have been obtained. (1992 Code § 4-10)

9-2-3: DEVELOPMENT IN FLOOD HAZARD AREAS¹:

A. Review Application To Ensure Compliance: Building permit applications for development, location, demolition or alteration within delineated flood hazard areas, as shown on the flood insurance study for Caddo County and the town of Carnegie, dated September 27, 1991, with the accompanying flood insurance rate maps (FIRM) and flood boundary-floodway maps (FBFM), and any revision thereto, which are hereby adopted by reference, as if set out fully herein, shall be reviewed by the building inspector to ensure that all of the following requirements are met: (Ord. 188, 2-6-1992)

1. All building sites shall be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvement (including the placement of prefabricated buildings and mobile homes) shall:

a. Be designed, modified and/or adequately anchored to prevent flotation, collapse or lateral movement of the structure. All manufactured housing to be placed within zone A on the community's flood hazard boundary map (FHBM) shall be anchored by providing over the top and frame ties to ground anchors. Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring one additional tie per side. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Any additions to the home shall be similarly anchored.

b. Be constructed with materials and utility equipment resistant to flood damage.

c. Be constructed by methods and practices that minimize flood damages.

d. Be constructed with electrical, heating, plumbing, ventilation and air conditioning equipment and other service facilities that are

1. See also chapter 5 of this title.

designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

2. All new and replacement water supply systems within flood prone areas shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

3. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

4. On site waste disposal systems within flood prone areas shall be located to avoid impairment to them, or contamination from them, during flooding.

5. The building inspector shall utilize all available 100-year flood elevation data to review building permit applications, and shall require that all applications for development within a flood prone area be accompanied by: a) the elevation of the lowest habitable floor (including basement) of all new or substantially improved structures; and b) a certificate signed by a registered professional engineer or architect, stating that the floodproofing methods to be utilized are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood, and indicating the specific elevation to which the structure will be floodproofed. New construction and substantial improvements, with fully enclosed areas below the lowest floor that 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:

a. A minimum of two (2) openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot (1') above grade; and

c. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

6. All new construction or substantial improvement of residential structures within zones A1-30 on the town's flood insurance rate map (FIRM) shall have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood.

7. Within zones A1-30 on the town's flood insurance rate map (FIRM), all manufactured housing not in a park or subdivision, all new manufactured housing parks and subdivisions, all expansions to existing manufactured housing parks and subdivisions, and all repairs, reconstruction or improvement of streets, utilities and/or pads in existing manufactured housing parks or subdivisions, shall be located, developed, expanded or improved according to the following criteria:

a. All manufactured housing shall be placed, or be capable of being placed, on compacted fill or on pilings, so that the lowest floor of the home will be one foot (1') above the level of the 100-year flood;

b. All lots shall have adequate provisions for surface drainage and access; and

c. All manufactured housing to be elevated on pilings shall: 1) be placed on lots large enough to permit steps; 2) provide for piling foundations to be placed in stable or stabilized soils, no more than ten feet (10') apart; and 3) provide for reinforcement of piers more than six feet (6') above ground level.

8. All new construction or substantial improvement of residential structures located within any AO (area of shallow flooding) zone, as shown on the town's flood insurance rate map (FIRM), shall have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one foot (1') above the depth number specified for the area on the town's flood insurance rate map (FIRM). Within zone AH or AO, adequate drainage paths around structures on slopes shall be required.

9. All new construction or substantial improvement of nonresidential structures within zones A1-30 on the town's flood insurance rate map (FIRM) shall:

a. Have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood; or

b. Be designed, together with attendant utility and sanitary facilities, so that, below the level of the 1DO-year flood, the structure is watertight, with walls substantially impermeable to the passage of water, and contain structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

10. All new construction or substantial improvement of nonresidential structures within any AO (area of shallow flooding) zone on the town's flood insurance rate map (FIRM) shall:

a. Have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one foot (1') above the depth number specified on the town's flood insurance rate map (FIRM); or

b. Be completely floodproofed, along with attendant utility and sanitary facilities, to one foot (1') above the depth number specified on the town's flood insurance rate map (FIRM), so that any space below the level is watertight, with walls substantially impermeable to the passage of water, and contain structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. Be required to include, within zones AH or AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

11. The requirements of this chapter shall also be in effect for building permit applications for development located within any A99 zones on the town's flood insurance rate map (FIRM).

12. Floodways, as designated on the town's official flood hazard boundary map (FHBM), are hazardous areas due to: a) the velocity of floodwaters which carry debris and potentially damaging projectiles; and b) the creation of severe erosion problems. The following provisions apply within designated floodway areas:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If the provisions of subsection A12a of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this code.

B. Additional Responsibilities Of BUilding Inspector: The building inspector shall have the following additional responsibilities in the review of building permit applications for development, location, demolition or alteration within a delineated flood hazard area.

1. Building permit applications shall be reviewed to ensure that all necessary governmental agency permits required by state or federal law have been obtained.

2. In the case of bUilding permit applications for alteration or relocation of a watercourse, the building inspector shall:

a. Notify adjacent communities and the state flood insurance coordinating office prior to such work (and submit copies of such notification to the federal flood insurance administrator); and

b. Obtain written assurances from the building permit applicant that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

3. For the purpose of determining future flood insurance risk premium rates, the building inspector shall maintain records of:

a. The elevation of the lowest habitable floor of all new or substantially improved structures; and

b. Floodproofing certificates (including the specific elevation to which the structures are floodproofed).

4. When a regulatory floodway has not been designated, the building inspector 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 (1 ') at any point within the community.

5. The building inspector shall utilize the full range of the community's management regulations in this review.

- C. Permit Issuance; Nonliability Of Town Officials: Issuance of a building permit for development within an identified flood hazard area shall not create liability on the part of any town official for any flood damages resulting from reliance upon the provisions of this section, or any administrative decision lawfully made hereunder. (1992 Code § 4-10)

9-2-4: CERTIFICATE OF APPROPRIATENESS, HISTORIC SITE RESTORATION:

- A. Purpose: The purpose of issuing a certificate of appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of restoration work.
- B. Condition To Building Permit Issuance: The certificate of appropriateness is required before a building permit is issued for any of the following to occur in a historic district or on a locally designated historic landmark or historic site:
1. Demolition of property;
 2. Moving of property;
 3. Material changes such as exterior reconstruction, alteration or color changes other than those approved in the original application; or
 4. Building of new structures on property. (1992 Code § 4-17)
- C. Application; Fee: The following procedures shall be used for applications:
1. A filing fee in such amount as set by the board of trustees shall be collected by the office of the town clerk. (1992 Code § 4-17; amd. 2005 Code)
 2. The applicant shall submit for review any sketches, plans, drawings, photos or other information which would clearly show the preservation commission what changes will be made.
 3. The application shall be filed with the town clerk.

4. The certificate of appropriateness shall be reviewed by the preservation commission in generally the same manner as a rezoning application and request.

5. If work authorized by a certificate of appropriateness is not begun within sixty (60) days, the certificate of appropriateness shall expire and reapplication must be made, unless a thirty (30) day extension is granted by the preservation commission. No more than two (2) extensions may be permitted on one project. (1992 Code § 4-17)

9-2-5: CONSIDERATION; PERMIT ISSUANCE OR DENIAL:

- A. Approval; Forward To Clerk: If the building inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of any zoning ordinance, building code and other regulations and requirements, the issuance of the building permit shall be authorized by signing the application and forwarding it to the office of the town clerk, who shall return a copy to the applicant.
- B. Denial: If the application or attached materials do not conform to pertinent town regulations, the building inspector shall not approve said application, but shall return the application to the town clerk, along with written reasons for disapproval. The town clerk shall return the application, with written reasons attached, to the applicant. The applicant may subsequently amend the application, if possible, and resubmit it, or initiate other action to correct the deficiencies.
- C. Complete Review In Timely Manner: The building inspector and the office of the town clerk shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay.
- D. Effect Of Permit Issuance: A building permit, once approved and issued, shall be construed as authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any town regulations, nor shall such issuance prevent the building inspector from thereafter requiring a correction of errors in plans, construction or a violation of this code. (1992 Code § 4-10)

9-2-6: DISPLAY OF PERMIT: Building permits shall be conspicuously displayed on the project or site, in a manner visible from the street. (1992 Code § 4-10)

9-2-7: **FAILURE TO INITIATE WORK:** If the work allowed under an issued building permit has not been initiated within six (6) months from the issuance date of said permit, such permit shall become null and void, unless a request for an extension is submitted to, and approved by, the town board of trustees. Such extension request must be submitted to the town board prior to the end of said six (6) month period. If said permit becomes null and void, a new permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed. (1992 Code § 4-10)

9-2-8: **RECORD OF PERMITS AND FEES:**

- A. Permits: The town clerk shall keep a permanent and accurate accounting of all building permits, and shall transmit copies of each permit issued to the building inspector, for informational purposes.
- B. Fees: The town clerk shall keep a permanent and accurate record of all building permit fee payments. (1992 Code § 4-10)

9-2-9: **MONITOR UTILITY HOOKUP REQUESTS:** The town clerk and the building inspector shall monitor town utility hookup requests and shall not allow municipal utilities to be turned on to any unit, structure or project for which a building permit has not been issued. (1992 Code § 4-10)

9-2-10: **APPEAL BUILDING PERMIT DECISIONS:** Appeals from any aggrieved person concerning a decision of the town clerk relative to the granting of building permits shall be taken to the town board of trustees, who shall act as the permit board of appeals for the town. (1992 Code § 4-10)

9-2-11: **CONFLICTING PROVISIONS:** In the event of any conflict between the building permit provisions delineated herein and any provisions of the building code adopted by the town board of trustees, the provisions of this chapter shall prevail. (1992 Code § 4-10)

9-2-12: **REVOCAION OF PERMIT:** The town clerk may revoke a building permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached

9-2-12

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materials on which the building permit approval was based. (1992 Code § 4-10)

CHAPTER 2

PERMITS AND CERTIFICATES

ARTICLE A. SPECIAL PERMITS

SECTION:

- 9-2A-1 : Pavement Cutting Permit
9-2A-2: Liquefied Petroleum Gas State Permit

9-2A-1 : PAVEMENT CUTTING PERMIT:

A. Permit Required; Approval:

1. It shall be unlawful for any person to cut any pavement on any street or alley within the town without a pavement cutting permit from the office of the town clerk.

2. Said permit shall first be approved by the public works authority superintendent. (1992 Code § 4-13)

B. Permit Fee; Pavement Repair Costs: An estimate of the cost of repairing such pavement cut shall be made by the public works authority superintendent, and a deposit equal to the amount of the estimate shall be made by the applicant, in addition to a permit fee in such amount as set by the board of trustees. (1992 Code § 4-13; amd. 2005 Code)

C. Repair By Town Or Permittee; Refund: The town may, at its option, either make repairs to the pavement which has been cut under the provisions of this section, and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs. In the latter case, the person's deposit shall be returned, upon satisfactory repair of the pavement, in accordance with town standards. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.

- D. Safeguards: Any person cutting such pavement shall maintain proper safeguards, with suitable lights during the night hours, and sufficient in number to give warning of danger to all persons. (1992 Code § 4-13)
- E. Public Utilities Laying Pipes:
1. Permit Required; Exception For Emergency: Any public utility contractor, firm or other person desiring to bore or cut into, or in any manner cross, any public street, alley, sidewalk or public ground of any sort, whether paved, graveled, bricked, blacktopped or not, for any purpose whatever, shall first obtain a pavement cutting permit from the town clerk to cross or open such street, alley, sidewalk or ground. (Exception to this requirement will be made only when a bona fide emergency exists. In such case, the building inspector or the public works superintendent shall be notified at the earliest practical time.) (1992 Code § 4-13; amd. 2005 Code)
 2. Boring, Cutting Or Ditching: On all weather streets or alleys with bituminous or concrete surface, boring will be required without exception. Cutting or ditching will be allowed on all streets or alleys with dirt or gravel surface. If for any reason these requirements cannot be complied with, cutting of a street will be allowed, but shall require the street surface to be replaced with a minimum of six inches (6") of concrete, twenty four inches (24") wider than the cut or the ditch.
 3. Restoration Of Street Surface: When any street, alley, sidewalk or public ground has been crossed for the purpose of laying gas, water or sewer pipe, or for any other purpose, the surface will be restored with similar material and workmanship to that existing in the street, alley, sidewalk or public ground before the same was torn up. All work shall be completed and refilled to the satisfaction of the building inspector, or a representative, and approval issued as previously stated.
 4. Backfill Materials: Materials used to backfill any opening in a street or alley shall be placed in lifts not to exceed ten inches (10"), and each lift shall be tamped either mechanically or by hand to ninety five percent (95%) compaction. Six inches (6") of crushed aggregate base material shall be used to fill to the existing surface on all streets and alleys. Openings in concrete surfaces shall be filled with base material to within four inches (4") of the bottom of the slab. The remaining four inches (4") of the opening shall be filled with sand to the bottom of the concrete slab to be replaced. On

major streets, the thickness of crushed aggregate base material required may vary.

5. Lights And Barricades Required: In all cases where the surface of the street, alley, sidewalk or public ground is disturbed, the party so cutting into the opening shall place lights at night and maintain suitable barricades at all times to protect persons from danger.

6. Failure To Comply: Should any person, firm, corporation, contractor or franchise holder with the town fail to comply, said party shall be summoned before the town board of trustees for removal of their license or franchise. Any person not licensed with the town who fails to comply shall be fined and required to pay costs of repair, plus labor. (1992 Code § 4-13)

7. Fees: The fees for such permits shall be in such amounts as set by the board of trustees. (1992 Code § 4-13; amd. 2005 Code)

9-2A-2: LIQUEFIED PETROLEUM GAS STATE PERMIT: It shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas; or to transport, handle or store such gas, unless such person has complied and complies with all provisions of the state law and local ordinances relating thereto, and has any permit which may be required by state law. No storage of liquefied petroleum gas, except by retail customers, in reasonable amounts, strictly intended for their own use, shall be permitted within the corporate limits of the town. (1992 Code § 4-16)

CHAPTER 3

PLANNING AND PRESERVATION COMMISSIONS

SECTION:

- 9-3-1: Jurisdictional Areas
- 9-3-2: Rules And Regulations
- 9-3-3: Employees; Expenditures
- 9-3-4: Project Review Procedure

9-3-1: JURISDICTIONAL AREAS:

- A. Local: The municipal planning commission and the preservation commission shall have jurisdiction over all land within the corporate limits of the town.
- B. Regional: The jurisdictional area of the regional planning commission shall include, for the purposes of the regulation and review of land subdivision only, any lands outside the corporate limits of the town, whose anyone boundary, at any point, shall be at and within a distance of three (3) miles from the corporate limits of said community; provided, that such jurisdiction shall only include land within Caddo County, Oklahoma. (1992 Code § 15-3)

9-3-2: RULES AND REGULATIONS:

- A. Adopt Rules; Public Record: The planning commiSSion and the preservation commission shall prescribe and adopt rules and regulations governing the transaction of business, and shall keep a public record of all regulations, transactions and findings.
- B. Meetings:
 1. Regular meetings of the planning commission shall be scheduled at least once each month; regular meetings of the preservation commission shall be scheduled at least four (4) times each year.

2. Special and emergency meetings may be called by the mayor or chairman of each commission, in accordance with the state open meetings law¹. (1992 Code § 15-4)

9-3-3: EMPLOYEES; EXPENDITURES:

- A. Contract For Professional Services: The planning commission and the preservation commission shall have the authority to contract for necessary professional services, within the limits of any budgetary appropriations fixed by the town board of trustees. All compensation for such services shall also be fixed by said town board.
- B. Other Expenses: The planning commission and the preservation commission may incur other necessary expenses, within the limits of the town board of trustees' budgetary appropriations, to carry out all purposes and responsibilities. (1992 Code § 15-5)

9-3-4: PROJECT REVIEW PROCEDURE: All projects or matters that fall within the duties and powers of the planning commission or the preservation commission (as specified in this code) shall be referred to either commission for investigation and report before any final action shall be taken thereon by the town board of trustees. If either commission fails to make an investigation and report on any matter referred to it within sixty (60) days, or other agreed upon time, the town board of trustees may proceed to act upon such matter. (1992 Code § 15-6)

1.25 aS § 301 et seq.

CHAPTER 3

PLANNING AND PRESERVATION COMMISSIONS

ARTICLE A. PLANNING COMMISSION

SECTION:

- 9-3A-1 : Commission Established; Membership; Terms
 9-3A-2: Regional Planning Commission
 9-3A-3: Duties And Powers
 9-3A-4: Designation As Zoning Commission

9-3A-1 : COMMISSION ESTABLISHED; MEMBERSHIP; TERMS:

- A. Commission Created; Composition: There is hereby created a municipal planning commission to serve as an advisory board for the town, to be composed of at least five (5) members. The mayor and the town clerk shall serve as ex officio members of said commission, without voting powers.
- B. Terms Of Office: Upon the initial appointment of members to the municipal planning commission, the mayor shall designate one member to serve for a period of one year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of members shall be for three (3) year terms, and until their successors are appointed and qualified.
- C. Appointment; Residency; Compensation: The members of the municipal planning commission shall be nominated for appointment by the mayor and confirmed by the town board of trustees, shall be residents of the town, and shall serve without salary.
- D. Removals; Vacancies:
1. Members of the municipal planning commission may be removed by the town board of trustees for inefficiency, neglect of duty,

malefaction in office or other cause established by resolution of the town board of trustees.

2. Vacancies occurring other than through the expiration of a term shall be filled only for the unexpired term by the town board of trustees.

- E. Selection Of Officers: Within five (5) days of the appointment and qualification of the members of the municipal planning commission, said commission shall meet and elect one of their number as chairman, one as vice chairman and one as secretary; in addition, the municipal planning commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one year, with eligibility for reelection. Three (3) members of the commission shall constitute a quorum. (1992 Code § 1-38)

9-3A-2: REGIONAL PLANNING COMMISSION: There is hereby created a regional planning commission as an entity of the town. The municipal planning commission for the town shall also serve as the regional planning commission, in order to avail itself of the powers of state law relating to the regulation of land subdivision within three (3) miles of the corporate limits of the town. The mayor of the town and the chairman of the Caddo County board of commissioners shall be ex officio members of said regional planning commission, to serve without voting powers. (1992 Code § 1-38)

9-3A-3: DUTIES AND POWERS:

- A. Duties Enumerated: The planning commission shall have the following duties and powers:
1. To prepare and recommend to the town board of trustees, for adoption, a comprehensive plan for the future development of the town and to ensure that said plan, once prepared and adopted, is properly utilized and updated at appropriate intervals.
 2. To make recommendations concerning the community's growth, improvement and beautification.
 3. To investigate and report to the town board of trustees on all matters relating to the location and development of parks and recreational areas, streets, public grounds and structures.

4. To investigate, prepare and recommend to the town board of trustees, for adoption, a suitable zoning ordinance to assist in the implementation of the community's comprehensive plan, and to assist the town board of trustees in administering said zoning ordinance.

5. To investigate, prepare and recommend to the town board of trustees, for adoption, rules and standards for use in regulating the subdivision of land within the planning commission's jurisdictional area, and to assist said town board of trustees in administering said land subdivision regulations.

6. To investigate, prepare and recommend to the town board of trustees, for adoption, such other rules, regulations or standards as may be necessary to implement the comprehensive plan for the town, including standards and regulations for floodplain management, historic preservation, signs, annexation and utility extensions, among others.

- B. Finances: The planning commission may also accept or raise funds, from public or private sources, for valid public purposes or projects. (1992 Code § 15-7)

9-3A-4: DESIGNATION AS ZONING COMMISSION: To avail itself of the powers of state law, the municipal planning commission is hereby designated as the zoning commission of the town. (1992 Code § 15-22)

CHAPTER 3

PLANNING AND PRESERVATION COMMISSIONS

ARTICLE B" PRESERVATION COMMISSION

SECTION:

- 9-38-1 : Commission Created; Appointments
 9-38-2: Duties And Powers

9-38-1 : COMMISSION CREATED; APPOINTMENTS: There is hereby created a preservation commission for the town, which commission shall be composed of at least five (5) members, to be appointed by the mayor, in generally the same manner as the municipal planning commission¹. (1992 Code § 1-39)

9-38-2: DUTIES AND POWERS: The preservation commission shall have the following powers and duties:

- A. To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as historic landmarks, historic sites or historic districts. (1992 Code § 1-39)
- B. To designate such historic landmarks, historic sites or historic districts within the corporate limits of the town. Once designated by the commission, such historic landmarks, historic sites and historic districts shall be subject to all the provisions of this code. (1992 Code § 1-39; amd. 2005 Code)
- C. To compile a list of structures which would be eligible for designated historic landmark or historic structures status; such structures may be within or outside of a historic district. The commission may negotiate with the owners of such structures for an agreement

1. See section 9-3A-1 of this chapter.

binding the owner and property, and such agreement may be for a specified period of time, to be binding on subsequent owners until the end of the time specified.

- D. To acquire a fee or lesser interest, including preservation easements, in historic properties by donation, bequest or, with the approval of the town board of trustees, by purchase.
- E. To cooperate with federal, state, local and other agencies in pursuing the objectives of historic preservation.
- F. To develop and recommend ordinances, legislation, policies and programs, and otherwise provide information on historic preservation to the citizens of Carnegie, and the town board of trustees.
- G. To design appropriate markers for designated landmarks, historic sites and historic districts.
- H. To take all steps necessary, including the taking, preparation and collection of photographs, measured drawings, descriptions, recorded interviews, written data and documentations to permanently record the origin, development, use and historical significance of each historic landmark, historic site or historic district.
- I. To review, subject to this code, applications for new or existing building or demolition permits, to work on a voluntary basis with the owners of historic landmarks, historic sites or structures within a historic district, advising them on the benefits, problems and techniques of preservation and encouraging their participation in preservation activities, and to issue or deny certificates of appropriateness for said work.

1. All requests for building permits for structures within a historic district and for those designated as historic landmarks or historic sites shall be referred to the preservation commission, which shall have a specified period of time to review each request. The commission may use such time to discuss the proposed changes with the owner of the structure in question and may permit the building inspector to issue the building permit before such period has expired. Following this review, the commission shall issue or deny issuance of a certificate of appropriateness for the reviewed work.

2. This shall not prohibit the granting of a building permit by the building inspector after such period has expired, if the commission has not made a decision.

- J. To make recommendations regarding the proposed demolition of designated landmarks or historic sites or structures within historic districts, including public demolition procedures initiated through statutory nuisance abatement processes, as well as other public or privately initiated demolition processes. No permit to demolish all or part of any historic landmark or historic structure shall be granted by the building inspector, nor shall an abatement order be implemented, except as follows:
1. Except as otherwise provided, no person, including an agent of the town, in charge of a historic landmark or historic site improvement in a historic district shall be granted a permit or permission to demolish, partially or in total, such property without the written approval of the preservation commission,
 2. Upon the filing of an application with the preservation commission, said commission shall determine whether the proposed change would destroy or adversely affect the historical features of the historic landmark, historic site or historic district property, and whether or not the proposal is the only feasible alternative.
 3. If the preservation commission determines that the historic landmark, historic site or property within a historic district would be adversely affected by the proposed change, it may withhold its consent to the granting of permission or of the permit. The commission shall make its decision within thirty (30) days after the filing of the application, and shall state in writing the reasons for withholding consent, mailing the same to the applicant.
 4. If the preservation commission refuses to grant permission or approve issuance of a permit for demolition, it shall cooperate with the applicant to arrive at a mutually agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives. If no plan is agreed upon within six (6) months of the filing of the application, the building inspector may issue the permit to demolish the subject property or the town agent may proceed, without the approval of the commission.
- K. To rescind designation of historic landmarks, historic sites or historic districts.
- L. To review requests for exceptions for uses within any historic district.
- M. To accept or raise funds from public and private sources.

- N. Make an annual community preservation report to the town board of trustees. (1992 Code § 1-39)

CHAPTER 4

MANUFACTURED, MOBILE AND MODULAR HOUSING

SECTION:

- 9-4-1: Purpose
- 9-4-2: Definitions
- 9-4-3: Freestanding Mobile Homes
- 9-4-4: Nonresidential Mobile Homes Or Trailers
- 9-4-5: Minimum Housing Regulations
- 9-4-6: Subdivisions
- 9-4-7: Modular Housing
- 9-4-8: Penalty

9-4-1 : PURPOSE:

- A. The purpose of this chapter is to provide regulations for areas within the corporate boundaries of the town, wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.
- B. The regulations set forth in this chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions. (1992 Code § 10-1)

9-4-2: DEFINITIONS: For the purpose of this chapter, the following terms, words and phrases shall have the meanings indicated in this section:

BUFFER PLANTING STRIP: A visual screening facility, consisting of not less than one row of shrubbery spaced not more

than eight feet (8') apart, which will grow to a height of not less than twelve feet (12') in less than five (5) years, under normal circumstances. Such a strip may, as an alternative, consist of an earthen berm or solid fencing, or any combination of earthen berm, fencing and/or landscaping, all of which shall total at least eight feet (8') in height.

**BUILDING
INSPECTOR:**

The building inspector of the town, or an authorized agent.

**GREENBELT
PLANTING STRIP:**

A landscaped area, not less than twenty feet (20') in width, used along all subdivision boundaries. Such greenbelt planting strip shall be composed of: a) one row of deciduous and/or evergreen trees, spaced not more than forty feet (40') apart; b) not less than three (3) rows of shrubs, spaced not more than thirty feet (30') apart; and c) not less than three (3) rows of shrubs, spaced not more than eight feet (8') apart, all of which shrubs must eventually be capable of growing to at least four (4) to six feet (6') in height.

HEALTH OFFICIAL:

The building inspector or the legally designated health authority of the town (or an authorized representative), or the authorized representative of the Caddo County health department or the state department of health.

**MANUFACTURED
HOUSING:**

A dwelling unit fabricated on or after June 15, 1976, in an off site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal manufactured housing construction and safety standards code. The three (3) types of manufactured housing are defined as meeting all of the requirements listed below, and are to be considered separate from mobile or modular housing:

A. Type I manufactured housing shall:

1. Have more than one thousand (1,000) square feet of occupied space in a typically double section or larger multi-section unit, with a minimum width of twenty feet (20');

2. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the town's foundation code or other adopted foundation requirements, and the manufacturer's specifications;

3. Utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards;

4. Have wheels, axles and hitch mechanisms removed;

5. Have all utilities connected, in accordance with the appropriate municipal codes and the manufacturer's specifications;

6. Have siding material of a type customarily used on site built residences in the community and neighborhood;

7. Have roofing material of a type customarily used on site built residences in the community and neighborhood;

8. Have a one hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard surfaced;

9. Have a legitimate front and rear door; and

10. Have a minimum eaves width of six inches (6").

B. Type II manufactured housing shall:

1. Have more than seven hundred twenty (720) square feet of occupied space in a single,

double, expando or multi-section unit (including those with add a room units);

2. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the town's foundation code or other adopted foundation standards, and the manufacturer's specifications;

3. Utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards;

4. Have wheels, axles and hitch mechanisms removed;

5. Have utilities connected, in accordance with the appropriate municipal codes and the manufacturer's specifications;

6. Have siding material of a type customarily used on site built residences in the community and neighborhood;

7. Have roofing material of a type customarily used on site built residences in the community and neighborhood;

8. Have a one hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard surfaced;

9. Have legitimate front and rear doors; and

10. Have a minimum eaves width of six inches (6").

C. Type III manufactured housing shall:

1. Have more than four hundred (400) square feet of occupied space, in a single, double, expando or multi-section unit (including those with add a room units);

2. Be placed onto a support system, in accordance with municipally approved installation standards;

3. Be enclosed with foundation siding or skirting, in accordance with municipally approved installation standards;

4. Be anchored to the ground, in accordance with the manufacturer's specifications and the town's appropriate, adopted code; and

5. Have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

MOBILE HOME:

Any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.

**MOBILE HOME,
DEPENDENT:**

Any mobile home which does not have a flush toilet and a bath or shower. For purposes of this chapter, a "dependent mobile home" shall be considered to be the same as a "travel trailer", unless otherwise specified.

**MOBILE HOME,
FREESTANDING:**

Any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the town, or in an approved mobile home subdivision.

MOBILE HOME PARK:

Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**MOBILE HOME
SPACE:**

Any plot of ground within a mobile home park or subdivision designed for the accommodation of

	one mobile home, and not located on a mobile home sales lot.
MOBILE HOME SUBDIVISION:	Any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.
MODULAR HOME:	Any factory fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site, nor does it include any type of "manufactured housing", as defined herein. Any "modular home" must meet United States government "modular home" certification standards (see section 9-4-7 of this chapter).
NONRESIDENTIAL MOBILE TRAILER:	Any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).
PARK:	A mobile home and/or travel trailer park.
PUBLIC WATER OR SEWER SYSTEM:	Any such system built and owned by, or dedicated to and accepted by, or operated in cooperation with, the town. All other such systems shall be deemed private systems.
SERVICE BUILDING:	Any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities.
SUBDIVISION:	A manufactured housing or mobile home subdivision, unless otherwise indicated.
TRAVEL TRAILER:	All vehicles and portable structures built on a chassis, designed as a temporary or permanent

dwelling for travel, recreational and vacation use. For purposes of this chapter, a "dependent mobile home" shall be considered to be the same as a "travel trailer", unless otherwise specified.

**TRAVEL TRAILER
PARK:**

Any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

**TRAVEL TRAILER
SPACE:**

A plot of ground within a travel trailer park designed for accommodation of one travel trailer. (1992 Code § 10-2)

9-4-3: FREESTANDING MOBILE HOMES¹:

- A. **Location Restricted:** No freestanding mobile home or travel trailer shall be permitted within the corporate limits of the town, unless it is being offered for sale or parked for storage, or located within an appropriate area which permits such freestanding location. (1992 Code § 10-3; amd. 2005 Code)
- B. **Mobile Homes Or Trailers For Sale:** Except for mobile homes or travel trailers within regular commercial mobile home or travel trailer sales lots, each such freestanding mobile home or travel trailer offered for sale must be clearly marked as such, and shall not be occupied for either living or sleeping purpose.
- C. **Storage Of Travel Trailers:** A property owner shall not store, nor permit to be stored, more than one travel trailer on a residential lot. Such travel trailer shall not be stored in any required front or side yard or public utility easement, nor shall such travel trailer project beyond the front of any building. (1992 Code § 10-3)

9-4-4: NONRESIDENTIAL MOBILE HOMES OR TRAILERS:

- A. **Permit Required:** Nonresidential mobile homes or trailers shall not be permitted in the town unless a temporary permit for operation, valid for a period of twelve (12) months, is issued by the building

1. See also subsection 9-2-1C of this title.

inspector. Such permit shall specify the permitted use of the nonresidential mobile home or trailer, the location of such operation and the termination date of the permit, and shall only be issued under terms of this code.

- B. Compliance With Regulations: No permit shall be issued for a use which would violate any local, state or federal ordinance, law or regulation.
- C. Annual Fee; Exception: An annual fee in such amount as set by the board of trustees shall be charged for each nonresidential mobile home or trailer permit.
- D. Construction Projects: Operation of nonresidential mobile homes or trailers by contractors or construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.
- E. Permanent Location Prohibited: This section shall not be construed as permitting or authorizing the permanent location of any nonresidential mobile home or trailer within the corporate limits of the town or in conflict with any future zoning ordinance of the town. (1992 Code § 10-4; amd. 2005 Code)

9-4-5: MINIMUM HOUSING REGULATIONS:

- A. Compliance With Housing Code: Every manufactured house or mobile home located in either a mobile home park, a mobile home subdivision or as a freestanding home shall meet the provisions of the adopted housing code of the town, except as otherwise provided in this section, or as may be otherwise provided in other provisions of this code.
- B. Gross Floor Area: Every manufactured or mobile home shall contain the following minimum gross floor area of habitable space:
 1. One hundred fifty (150) square feet for one or two (2) occupants;
 2. One hundred (100) additional square feet for the third occupant; and
 3. Seventy five (75) square feet additional for each additional occupant thereafter.

- C. Ceiling Height: Habitable space in a mobile or manufactured home shall have a minimum ceiling height of seven feet (7') over fifty percent (50%) of the floor area. The floor area where the ceiling height is less than five feet (5') shall not be considered in computing minimum gross floor area.
- D. Exits: A mobile or manufactured home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.
- E. Sleeping Rooms: Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space, if used by more than one person, and at least forty (40) square feet if used by one person.
- F. Dependent Homes: Dependent manufactured or mobile homes shall not be required to have a flush toilet, bath or shower.
- G. Travel Trailers; Exceptions: The housing code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower ceiling height is concerned. (1992 Code § 10-5)

9-4-6: SUBDIVISIONS:

- A. Compliance With Zoning And Subdivision Regulations: Manufactured housing and mobile home subdivisions shall comply with the adopted subdivision regulations ordinance and zoning ordinance (if adopted) of the town, except as otherwise provided herein.
- B. Size: The minimum size of such a subdivision shall be five (5) acres.
- C. Types Of Residences Allowed: No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.
- D. Lot And Yard Requirements:
 1. Minimum effective lot widths in said subdivision shall be fifty feet (50'), measured at the front building line, and minimum lot areas shall be five thousand (5,000) square feet, consistent with any zoning ordinance; provided, that at least a five foot (5') side yard shall be provided on each lot beyond any home and additions thereto; and further provided, that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health official on the basis of safe and sanitary sewer service.

2. The effective lot width of a mobile or manufactured home lot shall be determined by the health official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined, for interior lots, by measuring at right angles across the lot from one diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

3. Side lines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.

4. Regardless of the effective lot width, said subdivision lots must abut a public street for at least twenty five feet (25').

- E. Greenbelts: All such subdivisions, except those developed under low density residential zoning district standards, shall have a "greenbelt planting strip" as defined in section 9-4-2 of this chapter. (1992 Code § 10-50)

9-4-7: MODULAR HOUSING:

- A. Criteria For Certification: Manufactured or mobile housing shall be considered as permanent site or modular housing only when it meets the following (federal) certification criteria:

1. The manufacturer must certify that the structure is designed only for erection or installation on a site built permanent foundation. A "site built permanent foundation" is a system of supports, including piers, either partially or entirely below grade, which is:

a. Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;

b. Placed at an adequate depth below grade to prevent frost damage; and

c. Constructed of concrete, steel, treated lumber or grouted masonry.

2. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site built permanent foundation.

3. The manufacturer must certify that the structure is designed and manufactured to comply with the town's adopted building code, or equivalent.

4. The manufacturer must certify that, to the manufacturer's knowledge, this structure is not intended to be used other than on a site built permanent foundation.

- B. Proof Of Status As Modular Unit: Such certification shall be proof of the housing unit's status as a "modular" unit. Without such certification, any manufactured housing unit shall be considered a "mobile home", and treated as such for purposes of regulation. (1992 Code § 10-60)

9-4-8: PENALTY: Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in section 1-9-22 of this code. Each day upon which such violation continues shall be deemed a separate offense. (1992 Code § 10-100)

CHAPTER 4

MANUFACTURED, MOBILE AND MODULAR HOUSING

A. MOBILE HOME, MANUFACTURED
HOUSING AND TRAILER PARKS

SECTION:

- 9-4A- 1: Permit Requirements; Fee
- 9-4A- 2: Permit Denial Or Suspension; Hearing
- 9-4A- 3: Compliance Requirement Exception, Concrete Pads
- 9-4A- 4: Inspection Of Parks
- 9-4A- 5: Notices, Hearings And Orders
- 9-4A- 6: Park Supervision; License Posted
- 9-4A- 7: Park Location And Design Considerations
- 9-4A- 8: Service Buildings For Travel Trailer Parks
- 9-4A- 9: Sewage Disposal
- 9-4A-10: Water Supply
- 9-4A-11 : Refuse Disposal
- 9-4A-12: Insect And Rodent Control
- 9-4A-13: Electricity; Exterior Lighting
- 9-4A-14: Fuels; Power Sources
- 9-4A-15: Fire Protection
- 9-4A-16: Alterations And Additions
- 9-4A-17: Registration Of Owners And Occupants
- 9-4A-18: Damaged Or Dilapidated Units
- 9-4A-19: Tie Downs
- 9-4A-20: Penalty

9-4A-1 : PERMIT REQUIREMENTS; FEE:

- A. Permit Required: It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the corporate limits of the town unless he holds a valid permit issued annually by the building inspector and the health official of the town, in the name of such person for the specific park, except that the maintenance or operation of an existing park on

the effective date hereof may be continued under a temporary permit for such period of time and under such conditions as are hereinafter described.

B. Application For Permit:

1. Original: Application for original permits shall be in writing, signed by the applicant, and shall contain the following:

a. Name and address of the applicant;

b. The interest of the applicant in, and the location and legal description of, the park;

c. A complete site plan of the park, showing compliance with all applicable provisions of this article and regulations promulgated thereunder; and

d. Such further information as may be requested by the health official and/or building inspector.

2. Renewal: Applications for renewals of permits shall be made, in writing, by the holder of the license and shall contain the following:

a. Any change in the information submitted since the time the original license was issued, or the latest renewal granted; and

b. Other information requested by the health official and/or building inspector.

C. Plan Required; Contents: A complete site plan, for the purpose of obtaining a permit, shall show:

1. The area and dimensions of the tract of land;

2. The number, locations and size of all mobile home, manufactured home or travel trailer spaces;

3. The location and width of roadways, walkways, buffer strips and recreational areas;

4. The location of service buildings and other proposed structures;

5. The location and size of utility lines and treatment facilities; and

6. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park. (1992 Code § 10-20)

D. Permit Fee; Term Of Permit:

1. The town clerk shall charge and collect for each mobile home, manufactured home and/or travel trailer park a permit or temporary permit fee in such amount as set by the board of trustees per space.

2. The initial permit or temporary permit shall expire no later than one year from the date of issue, unless renewed upon such conditions as the town board of trustees may, by ordinance, direct.

E. Notify Town Of Sale Or Transfer Of Park: Notice shall be given to the building inspector acting jointly with the health official, in writing, within twenty four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park. (1992 Code § 10-20; amd. 2005 Code)

9-4A-2: PERMIT DENIAL OR SUSPENSION; HEARING:

A. Notice Of Violation; Suspension Of Permit:

1. Whenever the health official and/or building inspector finds conditions existing in violation of this article, or of any regulation adopted pursuant hereto, notice shall be given, in writing, to the person to whom the permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the permit will be suspended.

2. At the end of such period, not to exceed ninety (90) days, the health official and/or building inspector shall reinspect such park, and, if such conditions or practices have not been corrected, the permit shall be suspended and notice given, in writing, of such suspension to the person to whom the permit was issued and/or the person managing, or in charge of, the park.

3. Upon receipt of notice of suspension, such person shall cease operation of such park, except as may be provided hereinafter. (1992 Code § 10-20)

- B. Request For Hearing: Any person whose permit has been denied or suspended, or who has received notice from the health official and/or building inspector that a permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the town board of trustees; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period. (1992 Code § 10-20; amd. 2005 Code)

9-4A-3: COMPLIANCE REQUIREMENT EXCEPTION, CONCRETE PADS: Mobile home and travel trailer parks in existence upon the effective date hereof, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those sections of this article which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this article. (1992 Code § 10-20)

9-4A-4: INSPECTION OF PARKS:

- A. Inspections Authorized: The health official and the building inspector are hereby authorized and directed to make inspections to determine the condition of mobile home, manufactured home and travel trailer parks within the town, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.
- B. Outside Premises: The health official and building inspector shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this article or of regulations promulgated hereunder.
- C. Register Of Occupants: The health official and building inspector shall have the power to inspect the register containing a record of all homes and occupants using the park.
- D. Allowing Access: It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home, manufactured home or travel trailer park, or

their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this article, or with any lawful regulations adopted hereunder, or with any lawful order issued pursuant to the provisions of this article. (1992 Code § 10-21)

9-4A-5: NOTICES, HEARINGS AND ORDERS:

- A. Contents Of Notice: Whenever the health official or building inspector determines violations of pertinent regulations are found to exist, the licensee, permittee or the person managing, or in charge of the park shall be notified of such alleged violations. Such notice shall:
1. Be in writing;
 2. Include a statement of the reasons for its issuance;
 3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this article and other pertinent regulations;
 4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and
 5. Be served upon the owner, an agent, operator or the person in charge of the park, as the case may require; provided, that such notice or order shall be deemed as properly served upon said owner or agent when a copy thereof has been sent by certified mail to the last known address. (1992 Code § 10-22)
- B. Request For Hearing:
1. Any person affected by any notice issued under this article or resulting regulations may request, and shall be granted, a hearing on the matter before the town board of trustees, acting as a board of appeals; provided, that, such person shall file with the building inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice was served.
 2. The filing of such request shall stay the notice of suspension of permits, except in cases of orders issued under subsection E of this section.

3. The hearing shall be held at the next meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the building inspector determine that sufficient cause for such delay exists.

C. Town Board Findings: After such hearing, the health official or building inspector shall compile the findings of the town board as to compliance with this article and pursuant to regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in subsection E of this section. Upon failure to comply with such order, the permit of the park shall be revoked.

D. Relief In District Court: Any person aggrieved by the decision of the town board of trustees may seek relief in district court.

E. Emergency Action:

1. Whenever the health official or building inspector finds that an emergency exists which requires immediate action to protect health, without notice or hearing, an order may be issued reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this article, such order shall be effective immediately.

2. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the town board of trustees; shall be afforded a hearing at the next regular meeting, even if the agenda has been completed. The provisions of subsections B and C of this section shall be applicable to such hearing and the order issued thereafter. (1992 Code § 10-22; amd. 2005 Code)

9-4A-6: PARK SUPERVISION; LICENSE POSTED:

A. Caretaker Responsibility:

1. The licensee, or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment, in a clean, orderly and sanitary condition.

2. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this article to which the license is subject.

- B. Posting Of License: The license shall be conspicuously posted in the offices of, or on the premises of, the park at all times. (1992 Code § 10-23)

9-4A-7: PARK LOCATION AND DESIGN CONSIDERATIONS:

- A. Types Of Parks: Parks shall be of three (3) types: 1) mobile and manufactured home parks; 2) travel trailer parks; and 3) mixed mobile/manufactured home and travel trailer parks. No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers. No mobile or manufactured home shall be permitted in the travel trailer sector. No travel trailer shall be permitted in the mobile or manufactured home sectors.
- B. Drainage: All parks shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. Drainage shall not endanger any water supply.
- C. Minimum Area: The minimum area of any park shall be five (5) acres. Parks in existence on the effective date hereof can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time expand to include at least five (5) acres.
- D. Intensity Of Development: Intensity of development shall be limited to no more than ten (10) homes per gross acre for a mobile or manufactured home park, and no more than fifteen (15) travel trailers per gross acre, for a travel trailer park. (Area used for sewerage treatment facilities shall not be included in density computations.) Mobile and manufactured home spaces shall be at least thirty feet (30') wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty five feet (25') wide where travel trailers are located closest to the driveway.
- E. Space And Location Restrictions:
1. Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces, so that, at the nearest point, they

shall be ten feet (10') from the service road, five feet (5') from the rear lot and at least ten feet (10') from the boundary line of any other individual spaces, as well as any other home or travel trailer.

2. It shall be unlawful to locate any home or travel trailer less than twenty five feet (25') from any public street or highway right of way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.

3. It shall be unlawful to permit a mobile or manufactured home to occupy a travel trailer space, a travel trailer to occupy a mobile or manufactured home space and for any mobile or manufactured home or travel trailer to be located in a park unless in a space designated specifically for that type of home or trailer.

4. All mobile and manufactured home spaces shall abut upon a sealed surface driveway of not less than twenty feet (20') in width, if on street parking is prohibited, and twenty six feet (26') in width, if on street parking is permitted on one side of the street only. Driveways must have unobstructed access to a public street or highway.

F. Vehicle Parking: In all parks existing on the effective date hereof, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the planning commission, with final appeal to the town board of trustees. If, upon final appeal before said town board, it is determined that a safety hazard does in fact exist, the park concerned will be required to comply with the following provisions:

1. In new mobile or manufactured home parks, at least two (2) clearly defined parking spaces will be provided for each space either on or adjacent to the space.

2. In new travel trailer parks, at least one clearly defined parking space shall be provided for each space either on, or adjacent to, the space. (1992 Code § 10-24)

G. Roadways: All roadways within a park shall meet road improvement standards consistent with the town standards, or state law for private roads. (1992 Code § 10-24; amd. 2005 Code)

- H. Ingress And Egress: In developed areas of the town, new parks must abut, and have their major means of ingress and egress on, a thoroughfare of appropriate classification.
- I. Buffer Planting Strip¹: All parks shall have and maintain a buffer planting strip along all park boundaries not bordering a street. (1992 Code § 10-24)

9-4A-8: SERVICE BUILDINGS FOR TRAVEL TRAILER PARKS:

- A. Required: Each travel trailer park shall be provided with at least one service building separately equipped with flush type toilet fixtures and other sanitary facilities.
- B. Building Requirements: Service buildings shall:
 1. Be located twenty five feet (25') or more from any travel trailer space;
 2. Be of permanent construction and be adequately lighted;
 3. Be of moisture resistant material, to permit frequent washing and cleansing;
 4. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit (70°F) during cold weather, and to supply adequate hot water during time of peak demands; and
 5. Have all rooms well ventilated, with all openings effectively screened.
- C. Maintenance; Sanitation: All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a menace. (1992 Code § 10-25)

9-4A-9: SEWAGE DISPOSAL:

- A. Compliance With State And Local Regulations: Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and

1. See section 9-4-2 of this chapter for definition.

other buildings within the park shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, of such construction and in such manner as approved by the Oklahoma state department of health and in accordance with all applicable ordinances, codes and regulations of the town.

- B. Sewer Connection Specifications: Each home space shall be provided with at least a three inch (3") sewer connection at least four inches (4") above the surface of the ground. The sewer connection should be protected by a concrete collar at least four inches (4") thick and have a minimum outside diameter of twenty four inches (24"). Connection between the home drain and the sewer must be watertight and self-draining. Homes with fixtures from which back siphonage may occur shall be connected to the park's water system until the defect has been corrected.
- C. Connection To Public Sewer: In the event that a public sewer system is or becomes available, within three hundred feet (300') of a park, connection must be made to the public system within one hundred eighty (180) days of notification by town officials.
- D. Design; Location: The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluent from sewage treatment facilities shall not be discharged into the watershed of any municipal lake, or any other waters of the state. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owners or occupants of any adjacent property. The Oklahoma state department of health must approve the type of treatment proposed and the design of any disposal facilities and sewer systems prior to construction.
- E. Dumping Of Wastes: Every mobile or manufactured home occupying a park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma state department of health. Any other dumping of accumulated waste within the town is prohibited.
- F. Determination Of Sewerage Charges: The monthly sewer charge shall be as indicated in section 8-3-3 of this code.

- G. Watertight Connections: Sewer connections shall be watertight. Park licensees shall maintain trailer and home connections to sewer and water systems in good condition and shall assume responsibility for sewerage or water leakage on park premises.
- H. Connection To Travel Trailer Spaces Prohibited: No sewer connections shall be made to travel trailer spaces. (1992 Code § 10-26)

9-4A-10: WATER SUPPLY:

- A. Supply Of Water Required: An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred fifty (250) gallons per day, per space. Where a public supply of water of such quality is available, within three hundred feet (300'), or becomes available within three hundred feet (300'), connection shall be made thereto within one hundred twenty (120) days of written notification by town representatives, and its supply shall be used exclusively. Where private water supplies must be developed, the health official must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.
- B. Connections To Buildings And Spaces: The water system of the park shall be connected by pipes to all buildings and all spaces. Each home shall be provided with a cold water tap at least four inches (4") above the ground. An adequate supply of hot water shall be provided at all times in the service buildings.
- C. Construction And Maintenance: All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with nonpotable or questionable water supplies, and shall be protected against the hazards of backflow or back siphonage. All water connections shall be weathertight.
- D. Drinking Fountains: Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health official.
- E. Protection From Damage: Individual water service connections which are provided for direct use by homes or travel trailers shall be of such construction so that they will not be damaged by the parking of

such homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home or travel trailer connections.

- F. Travel Trailer Reservoirs: Provisions shall be made within one hundred fifty feet (150') of each travel trailer space to supply water for travel trailer reservoirs.
- G. Pumps And Pipes: No well casing, pumps, machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two feet (2') from the well in all directions. The pedestal shall not be less than twelve inches (12") above the floor. This shall not be construed as prohibiting submersible pumps.
- H. Water Storage Reservoirs: All water storage reservoirs shall be watertight, and of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.
- I. Stop And Waste Cocks: Underground stop and waste cocks shall not be installed on any connection.
- J. Water Wells: No private water well shall be permitted within the town for park use, except as may be otherwise permitted by ordinances of the town; provided, that private wells may be used if the town does not provide a municipal water system.
- K. Connection To Travel Trailer Spaces Prohibited: No water connections shall be made to travel trailer spaces. (1992 Code § 10-27)

9-4A-11 : REFUSE DISPOSAL:

- A. Hazard Elimination: The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent

harborage, insect breeding areas, accident or fire hazards, or air pollution.

- B. Containers Required: All refuse shall be stored in flytight, watertight and rodentproof containers, which shall be located within one hundred fifty feet (150') of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.
- C. Racks Or Holders For Containers: Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designated as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.
- D. Refuse Collection And Transportation: All refuse shall be collected at least once weekly, or as otherwise required by the health official. Where municipal garbage collection is not available, the park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
- E. Disposal Of Refuse: Where municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the health official. Refuse shall be buried only at locations and by methods approved by the health official, and in accordance with the ordinances of the town.
- F. Mandatory Use Of Town Service: When municipal refuse disposal service is available, it must be used. (1992 Code § 10-28)

9-4A-12: INSECT AND RODENT CONTROL:

- A. Control Measures Required: Insect and rodent control measures to safeguard public health, as required by the health official, shall be applied in the park.
- B. Fly And Mosquito Breeding Areas: Effective larvicidal solutions may be required by the health official for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

- C. Insects And Weeds: The health official may require the park operator to take suitable measures to control other insects and noxious weeds.
- D. Debris Accumulations: Accumulations of debris which may provide harborage for rodents shall not be permitted in the park.
- E. Rats And Other Rodents: When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the health official, to exterminate them. (1992 Code § 10-28)

9-4A-13: ELECTRICITY; EXTERIOR LIGHTING:

- A. Electrical Requirements: An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen feet (18') above the ground, unless otherwise approved by the building inspector.
- B. Streetlights: Streets and driveways within all parks shall be lighted with streetlights meeting the current standards of the illuminating engineering society or one-half (1/2) candlepower, whichever is higher. (1992 Code § 10-29)

9-4A-14: FUELS; POWER SOURCES:

- A. Fuel Storage Tanks: All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the building inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five feet (5') from any home exit. All such installations shall meet the requirements of applicable, adopted codes.
- B. Power Sources: All power used for residential or nonresidential purposes within the park shall be derived from electricity, natural gas or solar energy sources. (1992 Code § 10-29)

9-4A-15: FIRE PROTECTION:

- A. Litter: Park areas shall be kept free of litter, rubbish and other flammable materials.
- B. Water Supply: Where the water supply system does not provide at least six inch (6") water mains, there shall be provided a two inch (2"), frost protected water riser within three hundred feet (300') of each home or building.
- C. Fires: Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes. (1992 Code § 10-30)

9-4A-16: ALTERATIONS AND ADDITIONS:

- A. Compliance With Local Regulations: All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.
- B. Skirting Of Mobile Homes: Skirting of mobile homes is permissible, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
- C. Construction; Permit: A building permit issued by the town clerk shall be required before any construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of a home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless of the same type of construction or materials as the home affected. All construction, additions or alterations shall be in compliance with applicable local and state laws.
- D. Other Structures: No structure other than a mobile home and/or one storage shed of no more than two hundred ten (210) cubic feet shall be permitted on a mobile home space. (1992 Code § 10-31)

9-4A-17: REGISTRATION OF OWNERS AND OCCUPANTS:

- A. Contents Of Register: Each park licensee shall keep a register containing a record of all home and travel owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner or occupant of each home and any motor vehicle; and
 2. The make, model, year and license of each mobile or manufactured home and motor vehicle.
- B. Inspection Authorized: The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of each occupant registered shall not be destroyed for a period of one year following the date of departure of the registrant from the park. (1992 Code § 10-32)

9-4A-18: DAMAGED OR DILAPIDATED UNITS: Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The building inspector or the health official shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes said mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises. (1992 Code § 10-33)

9-4A-19: TIE DOWNS:

- A. Anchoring Requirements: Every home in a park or subdivision covered by the provisions of this article shall be anchored and tied down for safety purposes in a manner equivalent to the following:
1. Homes up to thirty feet (30') in length shall require two (2) frame ties per side;
 2. Homes thirty (30) to fifty feet (50') in length shall require three (3) frame ties per side;
 3. Homes fifty (50) to seventy feet (70') in length shall require four (4) frame ties per side;
 4. Homes over seventy feet (70') in length shall require five (5) frame ties per side; and

5. Over the home ties shall also be installed as close to each end as possible with straps at stud and rafter locations.

- B. Installation Of Ties: All ties attached to concrete pads or ribbons must be located in footings or foundation piers. If "dead man" ties are used, ties must be installed in soil to a depth of at least six feet (6').
- C. Additional Requirements In Flood Prone Areas: Additional tie down requirements for homes in flood prone areas shall also be met. (1992 Code § 10-34)

9-4A-20: PENALTY: See section 9-4-8 of this chapter for penalty provisions. (2005 Code)

CHAPTER 5
FLOOD PRONE AREAS¹

SECTION:

- 9-5-1: Definitions
 9-5-2: Review Of Development Proposals

9-5-1: **DEFINITIONS:** Unless specifically defined below, words and phrases used in this chapter shall be interpreted to give them the meanings they have in common usage and to give this chapter its most reasonable application.

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL: A request for a review of the building inspector's interpretation of any provision of the town's floodplain management regulations or a request for a variance.

AREA OF JURISDICTION: All of the unincorporated land under the jurisdiction of the town board of trustees of the town of Carnegie, Oklahoma.

AREA OF SHALLOW FLOODING: A designated AO, AH or VO zone on the community's flood insurance rate map (FIRM)

1. See also section 9-2-3 of this title.

with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (3'), 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:

The land in the floodplain within the community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD:

The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT:

Any area of the building having its flood subgrade below ground level on all sides.

CRITICAL FEATURE:

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:

Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations.

DWELLING UNIT:

A place of residence and may be a single- or multiple-dwelling building.

ELEVATED BUILDING:

A nonbasement building: a) 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, or in the case of a building in zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the

elevated floor, elevated above ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of water; and b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In 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 floodwaters. In the case of zones V1-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of section 60.3(e)(5) of the national flood insurance program (NFIP) regulations.

**EXISTING
CONSTRUCTION:**

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 the FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

**EXISTING
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

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) was completed before the effective date of the floodplain management regulations adopted by the town.

**EXPANSION TO
AN EXISTING
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

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 HAZARD BOUNDARY AND FLOOD INSURANCE RATE MAPS (FHBM/FIRM):	Official maps on which the federal emergency management agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the unincorporated areas of the town and are adopted by reference herein; also adopted herein is the flood insurance rate map series prepared for Caddo County, Oklahoma, by FEMA.
FLOOD INSURANCE STUDY:	The official report provided by the federal emergency management agency. The report contains flood profiles water surface elevations of the base flood, as well as the flood hazard boundary-floodway maps.
FLOOD OR FLOODING:	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal water, or the unusual and rapid accumulation or runoff of surface water from any source.
FLOOD PROTECTION SYSTEM:	Those physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the areas subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system may typically include tidal barriers, dams, reservoirs, levees or dikes.
FLOODPLAIN BOARD:	The planning board for floodplain management of the town, also known as the municipal planning commission.
FLOODPLAIN MANAGEMENT:	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:	The zoning ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of

	<p>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.</p>
FLOODPLAIN OR FLOOD PRONE AREA:	<p>Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).</p>
FLOODPROOFING:	<p>Any combination of structural and nonstructural 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.</p>
FLOODWAY (REGULATORY FLOODWAY):	<p>The channel of a river or other watercourse and its 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.</p>
FUNCTIONALLY DEPENDENT USE:	<p>A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.</p>
HABITABLE FLOOR:	<p>Any floor usable for working, sleeping, eating, cooking or recreation areas, or a combination thereof. (A floor used for storage purposes only is not a "habitable floor".)</p>
HIGHEST ADJACENT GRADE:	<p>The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.</p>
HISTORIC STRUCTURE:	<p>Any structure that is:</p> <p>A. Listed individually on the National Register of Historic Places or preliminarily determined by the secretary of the interior as meeting the</p>

requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

C. Individually listed on the Oklahoma Register of Historic Places; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the secretary of the interior; or

2. Directly by the secretary of the interior in states without approved programs.

LEVEE:

A manmade 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:

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:

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the

	national flood insurance program (NFIP) regulations.
MANUFACTURED HOME:	Shall be as defined in section 9-4-2 of this title.
MANUFACTURED HOME PARK OR SUBDIVISION:	A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
MEAN SEA LEVEL:	For purposes of the national flood insurance program (NFIP), the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a flood insurance rate map (FIRM) are referenced.
NEW CONSTRUCTION:	Means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by the town, and includes any subsequent improvements to such structures. For purposes of determining insurance rates, "start of construction" shall refer to structures for which construction was started on or after the effective date of any initial FIRM or after December 31, 1974, whichever is later, and shall include any subsequent improvements to such structures.
NEW MANUFACTURED HOME PARK OR SUBDIVISION:	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 the town.
100 YEAR FLOOD:	A flood which has a one percent (1 %) chance of being equalled or exceeded in any given year, based upon the criteria established by the national flood insurance program (NFIP).

PERSON:	Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
PROGRAM:	The national flood insurance program (NFIP), authorized by the national flood insurance act of 1968 (42 USC 4001-4128), as amended.
RECREATIONAL VEHICLE:	A vehicle which is: a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projections; c) designed to be self-propelled or permanently towable by a light duty truck; and d) 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, public law 97-348, includes substantial improvement and means the date the building permit was issued, as long as the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of said permit date. The actual start means either: a) the first placement of permanent construction for a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns; or b) any work beyond the stage of excavation; or c) the placement of a manufactured home on a foundation. Permanent construction does not include: a) land preparation, such as clearing, grading and filling; nor does it include b) the installation of streets and/or walkways; c) excavation of basements, footings, piers or foundations; d) the erection of temporary forms; or e) 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.

- STORM CELLAR:** A space below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against tornadoes or similar wind storm activity.
- STRUCTURE:** 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:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either: a) before the improvement or repair is started; or b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either: a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or b) any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Places.
- VARIANCE:** A grant of relief to a person from the requirements of this code when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or

development in a manner otherwise prohibited by said regulations.

VIOLATION:

The failure of a structure or other development to be fully compliant with the town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE
ELEVATION:**

The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (1992 Code § 4-130; amd. Ord. 188, 2-6-1992; 2005 Code)

9-5-2: REVIEW OF DEVELOPMENT PROPOSALS:

- A. The planning commission and the town board of trustees shall review subdivision and other development proposals to determine whether such proposals will be safe from flooding.
- B. If a subdivision or other development proposal is in a flood prone area, the planning commission and the town board of trustees shall ensure that:
 - 1. Such proposals are consistent with the community's adopted comprehensive plan and the need to minimize flood damage;
 - 2. All public utilities and facilities are located and constructed to avoid, minimize or eliminate flood damage;
 - 3. Adequate drainage provisions are made; and
 - 4. Proposals of more than five (5) lots or five (5) acres shall include 100-year flood elevation data. (1992 Code § 4-130)

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