

TABLE OF CONTENTS

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

|               |   |
|---------------|---|
| SECTION 1-101 | HOW CODE DESIGNATED AND CITED                                       |
| SECTION 1-102 | RULES OF CONSTRUCTION; DEFINITIONS                                  |
| SECTION 1-103 | CATCHLINES OF SECTIONS; CITATIONS                                   |
| SECTION 1-104 | EFFECT OF REPEAL OF ORDINANCES                                      |
| SECTION 1-105 | SEVERABILITY OF PARTS OF CODE                                       |
| SECTION 1-106 | AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES;<br>AMENDATORY LANGUAGE |
| SECTION 1-107 | ALTERING CODE   |
| SECTION 1-108 | GENERAL PENALTY   |
| SECTION 1-109 | FINES RECOVERABLE BY CIVIL ACTION                                   |
| SECTION 1-110 | ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY                  |
| SECTION 1-111 | SCHEDULE OF FEES AND CHARGES CREATED                                |
| SECTION 1-112 | INSPECTIONS AND RIGHT OF ENTRY.                                     |
| SECTION 1-113 | SEARCH WARRANT OR ACCESS WARRANT                                    |

ARTICLE 2

WARD BOUNDARIES

|               |  |
|---------------|--|
| SECTION 1-201 | MAP OF CITY DESIGNATED AS OFFICIAL MAP |
| SECTION 1-202 | WARD BOUNDARIES                        |

CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

GOVERNMENT ORGANIZATION

- SECTION 2-101 FORM OF GOVERNMENT.
- SECTION 2-102 CITY COUNCIL
- SECTION 2-103 MEETINGS OF THE COUNCIL.
- SECTION 2-104 MAYOR'S POWERS AND DUTIES, VICE MAYOR.
- SECTION 2-105 COUNCIL'S POWERS AND DUTIES; DESIGNATED POWERS
- SECTION 2-106 VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR
- SECTION 2-107 CITY MANAGER APPOINTMENT BY COUNCIL; POWERS AND DUTIES.
- SECTION 2-108 LIMITATION OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER
- SECTION 2-109 DESIGNATION OF ACTING CITY MANAGER
- SECTION 2-110 SUSPENSION OR REMOVAL OF CITY MANAGER
- SECTION 2-111 PURCHASES AND SALES MADE BY CITY MANAGER; COMPETITIVE BIDDING; TRANSFER OF MANAGER'S POWER
- SECTION 2-112 APPOINTMENTS AND REMOVALS
- SECTION 2-113 CITY OFFICIALS AND EMPLOYEES; SUSPENSION AND REMOVAL; SUCCESSORS
- SECTION 2-114 CITY CLERK APPOINTMENT; DUTIES
- SECTION 2-115 CITY TREASURER APPOINTMENT; DUTIES.
- SECTION 2-116 SAME PERSON SHALL SERVE AS CLERK AND TREASURER.
- SECTION 2-117 CITY ATTORNEY.
- SECTION 2-118 ADMINISTRATIVE DEPARTMENTS, OFFICERS, AND AGENCIES.
- SECTION 2-119 BONDS FOR CITY OFFICERS AND EMPLOYEES.
- SECTION 2-120 COOPERATIVE HEALTH DEPARTMENT.
- SECTION 2-121 RULES OF ORDER AND PROCEDURE
- SECTION 2-122 PERSONNEL MANUAL ADOPTED
- SECTION 2-123 COMPENSATION
- SECTION 2-124 COMPENSATION OF EMPLOYEES; NUMBER AND CLASSES OF PERSONNEL
- SECTION 2-125 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT
- SECTION 2-126 OATHS
- SECTION 2-127 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY
- SECTION 2-128 APPOINTMENT OF PERSONNEL IN EMERGENCIES

ARTICLE 2 AND 3 RESERVED

ARTICLE 4

SOCIAL SECURITY

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE  
SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY  
SECTION 2-403 WITHHOLDINGS  
SECTION 2-404 CONTRIBUTIONS  
SECTION 2-405 RECORDS AND REPORTS  
SECTION 2-406 EXCLUSIONS  
SECTION 2-407 POLICE INCLUDED

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1

FIRE PENSION SYSTEM

SECTION 2-501 FIRE FIGHTER PENSION AND RETIREMENT SYSTEM  
SECTION 2-502 SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW

DIVISION 2

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-520 EMPLOYEE RETIREMENT SYSTEM CREATED  
SECTION 2-521 ADMINISTRATION  
SECTION 2-522 FUND  
SECTION 2-523 APPROPRIATIONS  
SECTION 2-524 EXECUTION  
SECTION 2-525 CONFLICTING LAWS

ARTICLE 6

CITY RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS  
SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS  
SECTION 2-603 DUTIES OF CUSTODIANS  
SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS  
SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND  
COPYING OF OPEN PUBLIC RECORDS  
SECTION 2-606 PROCEDURES REGARDING INSPECTION OF  
OPEN PUBLIC RECORDS  
SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS  
SECTION 2-608 NO FEE FOR INSPECTION

SECTION 2-609 COPYING FEE  
SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION  
SECTION 2-611 SEARCH FEE  
SECTION 2-612 PREPAYMENT OF FEES  
SECTION 2-613 FEES

CHAPTER 3: ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

|               |   |
|---------------|---|
| Section 3-101 | DEFINITIONS AND INTERPRETATIONS                                 |
| Section 3-102 | OCCUPATION TAX LEVIED   |
| Section 3-103 | PAYMENT REQUIRED; PENALTY                                       |
| Section 3-104 | ANNUAL REPORT   |
| Section 3-105 | APPLICATION FOR CERTIFICATE; INVESTIGATIONS                     |
| Section 3-106 | ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE |
| Section 3-107 | RETAIL PACKAGE STORES & MIXED BEVERAGE LOCATION                 |
| Section 3-108 | CONDITION OF SALE   |
| Section 3-109 | CONSUMPTION PROHIBITED  |
| Section 3-110 | PROHIBITED SALES, POSSESSION BY MINORS                          |
| Section 3-111 | TRANSPORTING BEVERAGES  |
| Section 3-112 | PROHIBITED EMPLOYMENT, MINORS NOT TO ENTER                      |
| Section 3-113 | DATES, HOURS ON WHICH SALE PROHIBITED                           |
| Section 3-114 | SEPARATE PREMISES REQUIRED                                      |
| Section 3-115 | CONSUMPTION AND INTOXICATION IN A PUBLIC PLACE                  |
| Section 3-116 | PROCEDURE FOR SUSPENSION AND REVOCATION OF LICENSE BY CITY      |
| Section 3-117 | PROHIBITIONS  |

ARTICLE 2

NONINTOXICATING BEVERAGES

|               |  |
|---------------|--|
| Section 3-201 | DEFINITIONS  |
| Section 3-202 | LICENSE FEE LEVIED   |
| Section 3-203 | LICENSE REQUIRED   |
| Section 3-204 | COMPLIANCE WITH LAW; EXPIRATION OF LICENSE                 |
| Section 3-205 | REVOCATION OF LICENSE                                      |
| Section 3-206 | PROHIBITED LOCATION  |
| Section 3-207 | SALE AND PURCHASE TO OR BY MINORS                          |
| Section 3-208 | PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED             |
| Section 3-209 | MINORS; POSSESSION OF NONINTOXICATING BEVERAGES PROHIBITED |
| Section 3-210 | NOT TO PERMIT MINORS TO FREQUENT BARS; EXCEPTIONS          |
| Section 3-211 | INTOXICATED PERSONS  |
| Section 3-212 | DRINKING IN PUBLIC   |
| Section 3-213 | HOURS OF SALE  |
| Section 3-214 | TRANSPORTING OPEN CONTAINER                                |

CHAPTER 4

ANIMAL REGULATIONS

Article 1

GENERAL PROVISIONS

- SECTION 4-101 DEFINITIONS.  
SECTION 4-102 ANIMALS NOT TO BE AT LARGE.  
SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL.  
SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION.  
SECTION 4-105 NOISY ANIMALS; COMPLIANT PROCEDURE FOR ANIMALS WHICH DISTURB, ARE IN VIOLATION OF CODE.  
SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL.  
SECTION 4-107 ANIMALS WHICH MAY NOT BE KEPT IN CITY.  
SECTION 4-108 KENNELS, LICENSES.  
SECTION 4-109 RECORDS KEPT BY KENNELS, PET SHOPS.

Article 2

VACCINATION AND LICENSING

- SECTION 4-121 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS.  
SECTION 4-122 RESERVED

Article 3

IMPOUNDMENT REGULATIONS

- SECTION 4-131 IMPOUNDMENT, RECORDS, DISPOSITION OF ANIMALS.  
SECTION 4-132 BREAKING POUND OR INTERFERING WITH IMPOUNDING OFFICERS.  
SECTION 4-133 ANIMAL SHELTER FEES.  
SECTION 4-134 REDEMPTION, ADOPTION, OF ANIMAL.  
SECTION 4-135 ADOPTION OF IMPOUNDED ANIMALS.

Article 4

CRUELTY TO ANIMALS

- SECTION 4-141 CRUELTY TO ANIMALS.  
SECTION 4-142 POISONING ANIMALS.  
SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT.

Article 5

ZONING ORDINANCE

Section 4-151 Zoning ordinance to prevail.

Article 6

RABIES AND ANIMAL BITES

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

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

SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED.

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

SECTION 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER.

SECTION 4-166 RECORDS.

Article 7

VICIOUS, DANGEROUS AND DISEASED ANIMALS

SECTION 4-171 KEEPING UNLAWFUL.

SECTION 4-172 SUMMONS AND COMPLAINT.

SECTION 4-173 IMPOUNDMENT.

SECTION 4-174 HEARING.

SECTION 4-175 DETERMINATION.

Article 8

PENALTY

SECTION 4-181 PENALTY.

## CHAPTER 5: BUILDING REGULATIONS AND CODES

### ARTICLE 1

#### BUILDING CODE AND REGULATIONS

|               |   |
|---------------|---|
| SECTION 5-101 | INTERNATIONAL BUILDING CODE ADOPTED                                       |
| SECTION 5-102 | ADDITIONS AND CHANGES TO BUILDING CODE                                    |
| SECTION 5-103 | PENALTY   |
| SECTION 5-104 | BUILDING OFFICIAL   |
| SECTION 5-105 | FIRE DISTRICTS DEFINED  |
| SECTION 5-106 | BUILDING PERMIT REQUIRED; FEE   |
| SECTION 5-107 | NUMBERING OF BUILDINGS - RESERVED   |
| SECTION 5-108 | PERMIT REQUIRED FOR MOVING BUILDING, BUILDING WITH TRAILER OR MOBILE HOME |
| SECTION 5-109 | INTERNATIONAL PROPERTY MAINTENANCE CODE                                   |
| SECTION 5-110 | INTERNATIONAL EXISTING BUILDING CODE ADOPTED                              |
| SECTION 5-111 | OUTDOOR PRIVATE SWIMMING POOLS  |

### ARTICLE 2

#### PLUMBING CODE

|               |  |
|---------------|--|
| SECTION 5-201 | ADOPTION OF INTERNATIONAL PLUMBING CODE            |
| SECTION 5-202 | ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE |
| SECTION 5-203 | PLUMBERS; REGISTRATION                             |
| SECTION 5-204 | PLUMBING, PERMITS AND INSPECTIONS                  |
| SECTION 5-205 | PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES |

### ARTICLE 3

#### ELECTRICAL CODE

|               |  |
|---------------|--|
| SECTION 5-301 | DEFINITIONS  |
| SECTION 5-302 | NATIONAL ELECTRICAL CODE                                 |
| SECTION 5-303 | UNDERWRITERS LABORATORIES, INC                           |
| SECTION 5-304 | CITY MAY MAKE SPECIAL RULINGS                            |
| SECTION 5-305 | PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE   |
| SECTION 5-306 | INSPECTION FEE   |
| SECTION 5-307 | ELECTRICIAN'S REGISTRATION REQUIRED, BOND                |
| SECTION 5-308 | COMPLIANCE WITH REGULATIONS                              |
| SECTION 5-309 | INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS   |
| SECTION 5-310 | DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER |
| SECTION 5-311 | OFFICE OF ELECTRICAL INSPECTOR                           |

ARTICLE 4

MECHANICAL CODE

SECTION 5-401 ADOPTION OF INTERNATIONAL MECHANICAL CODE  
SECTION 5-402 DEFINITIONS  
SECTION 5-403 REGISTRATION REQUIRED  
SECTION 5-404 MECHANICAL PERMITS AND INSPECTIONS  
SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR

ARTICLE 5

LIQUEFIED PETROLEUM GAS

SECTION 5-501 CODE ADOPTED  
SECTION 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED  
PETROLEUM GAS EQUIPMENT  
SECTION 5-503 RESERVED  
SECTION 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTION

ARTICLE 6

FUEL CODE

SECTION 5-601 INTERNATIONAL FUEL CODE ADOPTED

ARTICLE 7

RESIDENTIAL CODE

SECTION 5-701 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

ARTICLE 8

FAIR HOUSING

ARTICLE 9

TRAILER PARKS AND MOBILE HOMES

SECTION 5-901 TRAILER, MOBILE HOME, AUTOMOBILE TRAILER OR  
TRAILER COACH DEFINED.  
SECTION 5-902 DEFINITIONS.  
SECTION 5-903 LOCATION OUTSIDE PARKS.  
SECTION 5-904 LICENSE FOR TRAILER PARK; APPLICATION AND ISSUANCE  
SECTION 5-905 ZONING OF TRAILER PARKS  
SECTION 5-906 PARK PLAN

ARTICLE 10

PENALTY AND SUSPENSION OR REVOCATION OF REGISTRATION

SECTION 5-1001 PENALTY  
SECTION 5-1002 RELIEF IN COURT  
SECTION 5-1003 SUSPENSION OR REVOCATION OF REGISTRATIONS  
ISSUED BY CITY

CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

|               |   |
|---------------|---|
| Section 6-101 | ORGANIZATION OF MUNICIPAL COURT   |
| Section 6-102 | DEFINITIONS   |
| Section 6-103 | JURISDICTION OF COURT   |
| Section 6-104 | JUDGE; QUALIFICATIONS   |
| Section 6-105 | TERM OF JUDGE   |
| Section 6-106 | ALTERNATE JUDGE   |
| Section 6-107 | APPOINTMENT AND COMPENSATION TO JUDGES  |
| Section 6-108 | DISQUALIFICATION OF JUDGE   |
| Section 6-109 | PROCEDURE-JUDICIAL NOTICE OF STATUTES AND<br>ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST<br>WARRANTS |
| Section 6-110 | MUNICIPAL COURT CLERK   |
| Section 6-111 | MUNICIPAL ATTORNEY AS PROSECUTOR  |
| Section 6-112 | BOND OF CLERK   |
| Section 6-113 | RULES OF COURT  |
| Section 6-114 | ENFORCEMENT OF RULES  |
| Section 6-115 | PROSECUTIONS BY VERIFIED COMPLAINT  |
| Section 6-116 | CREATION OF TRAFFIC VIOLATIONS BUREAU   |
| Section 6-117 | TRAFFIC BAIL BOND PROCEDURES  |
| Section 6-118 | EXCEPTIONS TO BAIL BOND PROCEDURE   |
| Section 6-119 | DISHONORED CHECKS OR INSTRUMENTS, WARRANTS  |
| Section 6-120 | ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS  |
| Section 6-121 | SUMMONS FOR ARREST  |
| Section 6-122 | FORM OF ARREST WARRANT  |
| Section 6-123 | PROCEDURES FOR BAIL OR BOND   |
| Section 6-124 | ARRAIGNMENT AND PLEADINGS BY DEFENDANT  |
| Section 6-125 | TRIALS AND JUDGMENTS  |
| Section 6-126 | WITNESS FEES  |
| Section 6-127 | SENTENCING  |
| Section 6-128 | IMPRISONMENT, WORK BY PRISONERS   |
| Section 6-129 | COSTS   |
| Section 6-130 | PENALTY ASSESSMENTS   |
| Section 6-131 | ISSUANCE OF SUMMONS AND WARRANT   |
| Section 6-132 | SECURITY FOR COSTS BEFORE COMMENCEMENT OF<br>PROSECUTION  |
| Section 6-133 | MALICIOUS PROSECUTION; COSTS  |
| Section 6-134 | FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR   |
| Section 6-135 | DISPOSITION AND RECORDS   |
| Section 6-136 | COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE<br>TO PERFORM  |
| Section 6-137 | COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO<br>PERFORM  |

CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

GENERAL PROVISIONS

|               |  |
|---------------|--|
| Section 7-101 | DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED   |
| Section 7-102 | FUNDS SECURED BY UNIT COLLATERAL SYSTEM  |
| Section 7-103 | CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS |
| Section 7-104 | PURCHASES, HOW MADE  |
| Section 7-105 | PETTY CASH   |
| Section 7-106 | PURCHASE ORDERS  |
| Section 7-107 | STATEMENT OF NON-COLLUSION   |

DIVISION 2

COMPETITIVE BIDDING

|               |   |
|---------------|---|
| Section 7-109 | PURPOSE AND EFFECT.   |
| Section 7-110 | DEFINITIONS   |
| Section 7-111 | OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT   |
| Section 7-112 | FAIRVIEW UTILITIES AUTHORITY, COMPETITIVE BIDDING   |
| Section 7-113 | FORMAL CONTRACT PROCEDURE   |
| Section 7-114 | OPEN MARKET PURCHASES - UNDER \$25,000.00   |
| Section 7-115 | ENCUMBRANCE OF FUNDS  |
| Section 7-116 | EMERGENCY PURCHASES   |
| Section 7-117 | PROFESSIONAL SERVICES   |
| Section 7-118 | SALES; MAYOR AND CITY COUNCIL TO DECLARE SURPLUS OR OBSOLETE; DISPOSAL AS DIRECTED BY THE CITY COUNCIL. |
| Section 7-119 | RULES AND RATE FOR RENTAL OF CITY AUDITORIUM  |

ARTICLE 2

SALES TAX

|               |                             |
|---------------|-----------------------------|
| Section 7-201 | CITATION AND CODIFICATION   |
| Section 7-202 | DEFINITIONS                 |
| Section 7-203 | TAX COLLECTOR DEFINED       |
| Section 7-204 | CLASSIFICATION OF TAXPAYERS |
| Section 7-205 | SUBSISTING STATE PERMITS    |
| Section 7-206 | PURPOSE OF REVENUES         |

Section 7-207 TAX IMPOSED; AMOUNT  
Section 7-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX  
Section 7-209 RESERVED  
Section 7-210 TAX DUE WHEN; RETURNS; RECORDS  
Section 7-211 PAYMENT OF TAX; BRACKETS  
Section 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES  
Section 7-213 SAME-GENERALLY  
Section 7-214 SAME-MANUFACTURERS  
Section 7-215 SAME-AGRICULTURE  
Section 7-216 RESERVED  
Section 7-217 TAX CONSTITUTES DEBT  
Section 7-218 VENDOR'S DUTY TO COLLECT TAX; PENALTIES  
Section 7-219 RETURNS AND REMITTANCES; DISCOUNTS  
Section 7-220 INTEREST AND PENALTIES; DELINQUENCY  
Section 7-221 WAIVER OF INTEREST AND PENALTY  
Section 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND  
Section 7-223 FRAUDULENT RETURNS  
Section 7-224 RECORDS CONFIDENTIAL  
Section 7-225 AMENDMENTS  
Section 7-226 PROVISIONS CUMULATIVE

### ARTICLE 3

#### UTILITIES TAX

SECTION 7-301 FEE LEVIED; APPLICATION  
SECTION 7-302 TAX IS IN LIEU OF OTHER TAXES  
SECTION 7-303 PAYMENT OF TAX  
SECTION 7-304 FAILURE TO PAY; ACTION FOR COLLECTION  
SECTION 7-305 TAX LIEN

### ARTICLE 4

#### CABLE FRANCHISE

SECTION 7-401 CABLE TV FRANCHISE GRANTED

### ARTICLE 5

RESERVED

### ARTICLE 6

RESERVED

ARTICLE 7

USE TAX

- SECTION 7-701 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF  
INTANGIBLE, PERSONAL PROPERTY LEVIED.  
SECTION 7-702 EXEMPTIONS  
SECTION 7-703 TIME WHEN DUE, RETURNS, PAYMENT  
SECTION 7-704 TAX CONSTITUTES DEBT  
SECTION 7-705 COLLECTION OF TAX BY RETAILER OR VENDOR  
SECTION 7-706 COLLECTION OF TAX BY RETAILER OR VENDOR NOT  
MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR  
BOTH WITHIN AND WITHOUT STATE; PERMITS  
SECTION 7-707 REVOKING PERMITS  
SECTION 7-708 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR  
RETAILERS OF OTHER STATES  
SECTION 7-709 INTEREST AND PENALTIES; DELINQUENCY  
SECTION 7-710 WAIVER OF INTEREST AND PENALTIES  
SECTION 7-711 ERRONEOUS PAYMENTS; CLAIM FOR REFUND  
SECTION 7-712 FRAUDULENT RETURNS  
SECTION 7-713 RECORDS CONFIDENTIAL  
SECTION 7-714 PROVISIONS CUMULATIVE  
SECTION 7-715 PROVISIONS SEVERABLE  
SECTION 7-716 DEFINITIONS  
SECTION 7-717 TAX COLLECTOR DEFINED  
SECTION 7-718 CLASSIFICATION OF TAXPAYERS  
SECTION 7-719 SUBSISTING STATE PERMITS  
SECTION 7-720 PURPOSES OF REVENUES

ARTICLE 8

TELEPHONE EXCHANGE FEE

DIVISION 1

TELEPHONE EXCHANGE FEE

- Section 7-801 FEE LEVIED ON TELEPHONE EXCHANGES  
Section 7-802 FEE TO BE IN LIEU OF OTHER FEES, TAXES

## CHAPTER 8: HEALTH AND SANITATION

### ARTICLE 1

#### WEEDS AND TRASH

- Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL
- Section 8-102 DEFINITIONS
- Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY
- Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY
- Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS
- Section 8-106 LIENS ON THE PROPERTY, CIVIL REMEDY
- Section 8-107 BOARD MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.
- Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH
- Section 8-109 BURNING REFUSE
- Section 8-110 REMOVAL OF DEAD ANIMALS
- Section 8-111 UNLAWFUL TO LITTER
- Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES
- Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY
- Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES

### ARTICLE 2

#### FOOD AND RESTAURANTS

- Section 8-201 FOOD SERVICE REGULATIONS ADOPTED

### ARTICLE 3

#### NUISANCES

- Section 8-301 DEFINITION
- Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE
- Section 8-303 ABATEMENT
- Section 8-304 PERSON RESPONSIBLE FOR CONTINUING NUISANCE
- Section 8-305 TIME DOES NOT LEGALIZE NUISANCE
- Section 8-306 REMEDIES AGAINST PUBLIC NUISANCES
- Section 8-307 REMEDIES AGAINST PRIVATE NUISANCES
- Section 8-308 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE
- Section 8-309 SUMMARY ABATEMENT OF NUISANCES
- Section 8-310 HEALTH NUISANCES; ABATEMENT
- Section 8-311 CITY ACTIONS NOT TO JEOPARDIZE PRIVATE ACTIONS
- Section 8-312 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER

Section 8-313 OPEN BURNING PROHIBITED  
Section 8-314 ABATEMENT BY SUIT IN DISTRICT COURT  
Section 8-315 PROCEDURE CUMULATIVE  
Section 8-316 TOILET FACILITIES REQUIRED  
Section 8-317 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER  
Section 8-318 LITTERING PROHIBITED GENERALLY  
Section 8-319 ABANDONED REFRIGERATORS  
Section 8-320 ENFORCEMENT, CITATIONS, APPEALS

#### ARTICLE 4

##### JUNKED, WRECKED MOTOR VEHICLES

Section 8-401 NUISANCE  
Section 8-402 DEFINITIONS  
Section 8-403 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH  
MOTOR VEHICLES PROHIBITED; AND DECLARED A NUISANCE;  
EXCEPTIONS  
Section 8-404 PROCEDURES FOR ABATEMENT.  
Section 8-405 PRESUMPTION OF ABANDONMENT.  
Section 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.  
Section 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC  
PROPERTY.  
Section 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.  
Section 8-409 HEARING.  
Section 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.  
Section 8-411 NOTICE OF REMOVAL.  
Section 8-412 DUTY OF PRIVATE CONTRACTOR.  
Section 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR  
VEHICLES.  
Section 8-414 PENALTY; CONTINUING VIOLATIONS.

#### ARTICLE 5

##### DILAPIDATED BUILDINGS

Section 8-501 DEFINITIONS  
Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE  
REMOVAL  
Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS  
Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS,  
PROCEDURE, NOTICE  
Section 8-505 OTHER POWERS  
Section 8-506 EXCEPTION  
Section 8-507 REMOVAL OF GRAFFITI

ARTICLE 6

ENFORCEMENT

- Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES
- Section 8-602 OBSTRUCTING HEALTH OFFICER
- Section 8-603 QUARANTINE; VIOLATIONS

ARTICLE 7

HOSPITAL DEPARTMENT AND BOARD

- Section 8-701 CREATION OF BOARD
- Section 8-702 APPOINTMENT AND TERM
- Section 8-703 OFFICERS AND MEETINGS
- Section 8-704 POWERS AND DUTIES OF BOARD
- Section 8-705 MANAGEMENT OF HOSPITAL FUNDS
- Section 8-706 USE OF HOSPITAL FACILITIES
- Section 8-707 MEETINGS; EXAMINATIONS; PECUNIARY INTEREST
- Section 8-708 QUALIFICATIONS OF NURSES AND ATTENDANTS; PHYSICIANS AND SURGEONS
- Section 8-709 DONATIONS
- Section 8-710 ANNUAL REPORT
- Section 8-711 GROUNDS AND BUILDING

CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

|               |  |
|---------------|--|
| Section 9-101 | LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS              |
| Section 9-102 | SEPARATE LICENSES REQUIRED                                       |
| Section 9-103 | LICENSE TO BE DISPLAYED  |
| Section 9-104 | LICENSE MAY BE REVOKED   |
| Section 9-105 | TRANSFER OF LICENSE PROHIBITED                                   |
| Section 9-106 | DUPLICATE LICENSE  |
| Section 9-107 | ISSUANCE AND EXECUTION   |
| Section 9-108 | SUBJECT TO STATE LAW AND CITY ORDINANCES                         |
| Section 9-109 | APPEALS  |
| Section 9-110 | RECORDS REQUIRED FOR PAWNBROKERS                                 |
| Section 9-113 | DRILLING OR DIGGING FOR THE PRODUCTION OF OIL AND GAS PROHIBITED |

ARTICLE 2

SOLICITORS AND CANVASSERS

|               |  |
|---------------|--|
| Section 9-201 | DEFINITIONS  |
| Section 9-202 | FRAUD, ETC.  |
| Section 9-203 | REQUIRED   |
| Section 9-204 | APPLICATION  |
| Section 9-205 | SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION                                 |
| Section 9-206 | INVESTIGATION AND ISSUANCE   |
| Section 9-207 | FEE  |
| Section 9-208 | EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER |
| Section 9-209 | TERM   |
| Section 9-210 | DISPLAY  |
| Section 9-211 | TRANSFER   |
| Section 9-212 | EXCEPTION FOR INTERSTATE COMMERCE  |
| Section 9-213 | HOURS OF SOLICITATION  |

ARTICLE 3

GARAGE SALES

|               |                         |
|---------------|-------------------------|
| Section 9-301 | DEFINITIONS.            |
| Section 9-302 | NUMBER, DAYS AND SIGNS. |
| Section 9-303 | PERMIT REQUIRED, FEE.   |

ARTICLE 4

TAXICABS

Section 9-401 DEFINITIONS.  
Section 9-402 LICENSE REQUIRED.  
Section 9-403 LICENSE FEE.  
Section 9-404 INSPECTION.  
Section 9-405 LIABILITY INSURANCE.  
Section 9-406 NAME OF OWNER.  
Section 9-407 APPLICATION FOR LICENSE.  
Section 9-408 CARD TO BE ISSUED.  
Section 9-409 CARD TO BE VISIBLE.  
Section 9-410 TAXI STANDS.  
Section 9-411 CHAUFFEUR'S LICENSE REQUIRED.  
Section 9-412 REVOCATION OF LICENSE.  
Section 9-413 LICENSE FEE IN LIEU OF OCCUPATION TAX.  
Section 9-414 REGULAR PLACE OF BUSINESS, TELEPHONE.

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL

SECTION 10-101 ATTEMPT TO COMMIT AN OFFENSE  
SECTION 10-102 AIDING AND ABETTING  
SECTION 10-103 - 10-109 RESERVED

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

SECTION 10-201 ASSAULT  
SECTION 10-202 BATTERY  
SECTION 10-103 FIGHTS OR QUARRELS  
SECTION 10-104 - 10-106 RESERVED

ARTICLE 3

OFFENSES INVOLVING PROPERTY

SECTION 10-301 DEFINITIONS  
SECTION 10-302 TRESPASS ON PUBLIC PROPERTY  
SECTION 10-303 TRESPASS ON PRIVATE PROPERTY  
SECTION 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY  
SECTION 10-305 LARCENY  
SECTION 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.  
SECTION 10-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT  
AUTHORIZATION  
SECTION 10-308 DEFRAUDING PUBLIC ACCOMMODATIONS, PROOF;  
EXCEPTION  
SECTION 10-309 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S  
AUTHORITY TO DETAIN  
SECTION 10-310 CONGREGATING, PARKING ON PREMISES AFTER HOURS  
SECTION 10-311 POSTING ADVERTISING ON PUBLIC OR PRIVATE BUILDING  
SECTION 10-312 ELECTRIC FENCES PROHIBITED

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

SECTION 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC  
SECTION 10-402 PROSTITUTION  
SECTION 10-403 GAMBLING, DEFINITION  
SECTION 10-404 GAMBLING GAMES PROHIBITED  
SECTION 10-405 SLOT MACHINES  
SECTION 10-406 GAMBLING ROOMS AND PARAPHERNALIA  
SECTION 10-407 DISORDERLY PLACES, DEFINITIONS  
SECTION 10-408 MAINTAINING A DISORDERLY HOUSE  
SECTION 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE  
SECTION 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

SECTION 10-501 RIOTOUS CONDUCT; DISTURBING PEACE  
SECTION 10-502 UNLAWFUL ASSEMBLY  
SECTION 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.  
SECTION 10-504 FIGHTING WORDS OR GESTURES  
SECTION 10-505 FALSE ALARMS  
SECTION 10-506 REMOVAL OF BARRICADES  
SECTION 10-507 ELUDING POLICE OFFICERS  
SECTION 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

SECTION 10-601 OBSTRUCTING OR INTERFERING WITH OFFICAL PROCESS  
SECTION 10-602 RESISTING ARREST  
SECTION 10-603 AIDING IN ESCAPE  
SECTION 10-604 ESCAPES FROM CUSTODY  
SECTION 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

SECTION 10-701 CARRYING DANGEROUS WEAPONS  
SECTION 10-702 RECKLESS CONDUCT  
SECTION 10-703 DISCHARGING FIREARMS; EXCEPTIONS

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

SECTION 10-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED  
SECTION 10-802 POSSESSION, INTOXICATING AND NONINTOXICATING  
BEVERAGES  
SECTION 10-803 DEFINITIONS  
SECTION 10-804 POSSESSION  
SECTION 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES  
SECTION 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.  
SECTION 10-807 DRIVING UNDER THE INFLUENCE OR WHILE IMPAIRED OR  
IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE

ARTICLE 9

CURFEW

Section 10-901 CURFEW FOR MINORS.

ARTICLE 10.

PREVENTION OF YOUTH ACCESS TO TOBACCO

Section 10-1001 DEFINITIONS  
Section 10-1002 OFFENSE TO SELL OR FURNISH CERTAIN PERSONS  
TOBACCO PRODUCTS  
Section 10-1003 OFFENSE FOR CERTAIN PERSONS TO PURCHASE,  
ACCEPT OR POSSESS TOBACCO PRODUCTS  
Section 10-1004 FURNISHING OR DISTRIBUTING TOBACCO PRODUCT  
SAMPLES  
Section 10-1005 OFFENSE FOR SELLING CIGARETTES EXCEPT IN  
THEIR ORIGINAL, SEALED PACKAGE  
Section 10-1006 MISCELLANEOUS  
Section 10-1007 CITY BUILDINGS

CHAPTER 11: PARKS, RECREATION AND CEMETERY

ARTICLE 1

PARKS AND RECREATION

- Section 11-101 RULES AND REGULATIONS ADOPTED
- Section 11-102 FEES TO BE DETERMINED
- Section 11-103 SPECIFIC REGULATIONS AND PROHIBITED ACTS IN PUBLIC RECREATION AREAS
- Section 11-104 PENALTY

ARTICLE 2

LIBRARIES

- Section 11-201 DEFINITIONS.
- Section 11-202 CREATED.
- Section 11-203 CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS.
- Section 11-204 DIRECTORS NOT COMPENSATED.
- Section 11-205 REMOVAL OF DIRECTORS.
- Section 11-206 VACANCIES.
- Section 11-207 ELECTION OF OFFICERS.
- Section 11-208 GENERAL POWERS AND DUTIES
- Section 11-209 AUTHORITY TO APPOINT, LIBRARIAN ASSISTANTS.
- Section 11-210 BYLAWS, RULES AND REGULATIONS.
- Section 11-211 DAMAGING, DEFACING OR FAILING TO RETURN BOOKS OR OTHER PROPERTY.
- Section 11-212 USE, TRANSFER OF LIBRARY.
- Section 11-213 ACCEPTANCE OF DONATIONS.
- Section 11-214 ANNUAL REPORT.

ARTICLE 3

CEMETERY

- Section 11-301 ADMINISTRATION
- Section 11-302 SEXTON.
- Section 11-303 RULES.
- Section 11-304 CEMETERY CARE FUND; CEMETERY SPECIAL FUND.
- Section 11-305 DEED RECORD.
- Section 11-306 OFFENSE.
- Section 11-307 PRICE SCHEDULE.
- Section 11-308 USE OF GRAVE SITES.
- Section 11-309 RULES, REGULATIONS AND REQUIREMENTS.

CHAPTER 12

PLANNING, ZONING AND DEVELOPMENT

ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

- SECTION 12-101 PLANNING COMMISSION CREATED.
- SECTION 12-102 QUORUM.
- SECTION 12-103 ORGANIZATION AND RULES.
- SECTION 12-104 POWER TO EMPLOY STAFF.
- SECTION 12-105 POWERS AND DUTIES.
- SECTION 12-106 PURPOSES OF PLAN.
- SECTION 12-107 SUBDIVISION OF LAND.
- SECTION 12-108 ZONING COMMISSION.
- SECTION 12-109 UNIFORMITY OF REGULATIONS.
- SECTION 12-110 COMPREHENSIVE PLAN, PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.
- SECTION 12-111 EXPENSES

DIVISION 2

BOARD OF ADJUSTMENT

- SECTION 12-120 BOARD OF ADJUSTMENT CREATED.
- SECTION 12-122 MEETINGS AND PROCEDURES.
- SECTION 12-123 APPEALS.
- SECTION 12-124 POWERS, APPEALS.
- SECTION 12-125 POWERS TO GRANT VARIANCES.
- SECTION 12-126 POWERS RELATIVE TO EXCEPTIONS.
- SECTION 12-127 EXERCISE OF POWERS.
- SECTION 12-128 APPEAL TO DISTRICT COURT.

ARTICLE 2  
ZONING REGULATIONS  
DIVISION 1  
GENERAL PROVISIONS

SECTION 12-201 CITATION.  
SECTION 12-202 PURPOSE AND NECESSITY.  
SECTION 12-203 NATURE OF ZONING PLAN.  
SECTION 12-204 REGULATION OF USE, HEIGHT, AREA YARDS AND OPEN SPACES.  
SECTION 12-205 ZONING DISTRICTS ESTABLISHED.  
SECTION 12-206 DEFINITIONS.  
SECTION 12-207 INTERPRETATION OF DISTRICT BOUNDARIES.  
SECTION 12-208 VACATION OF PUBLIC EASEMENTS.

DIVISION 2  
SPECIFIC DISTRICT REGULATIONS

SECTION 12-211 USES PERMITTED.  
SECTION 12-212 USES PERMITTED ON REVIEW.  
SECTION 12-213 AREA REGULATIONS.  
SECTION 12-217 USES PERMITTED ON REVIEW.  
SECTION 12-218 AREA REGULATIONS.  
SECTION 12-215 A-2 SUBURBAN DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-216 USES PERMITTED.  
SECTION 12-219 HEIGHT REGULATIONS  
SECTION 12-225 E-1 ESTATE RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-226 USES PERMITTED.  
SECTION 12-227 USES PERMITTED ON REVIEW.  
SECTION 12-228 AREA REGULATIONS.  
SECTION 12-229 HEIGHT REGULATIONS.  
SECTION 12-230 DRIVEWAY REGULATIONS.  
SECTION 12-235 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-236 USES PERMITTED.  
SECTION 12-237 USES PERMITTED ON REVIEW.  
SECTION 12-238 AREA REGULATIONS.  
SECTION 12-240 R-2 RESTRICTED RESIDENTIAL DISTRICT GENERAL DESCRIPTION.  
SECTION 12-241 USES PERMITTED.  
SECTION 12-242 USES PERMITTED ON REVIEW.  
SECTION 12-243 AREA REGULATIONS.  
SECTION 12-244 HEIGHT REGULATIONS.

SECTION 12-245 R-3 GENERAL RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

SECTION 12-246 USES PERMITTED.

SECTION 12-247 USES PERMITTED ON REVIEW.

SECTION 12-248 AREA REGULATIONS.

SECTION 12-249 HEIGHT REGULATIONS.

SECTION 12-255 C-1 NEIGHBORHOOD SHOPPING DISTRICT, GENERAL DESCRIPTION.

SECTION 12-256 USES PERMITTED.

SECTION 12-257 AREA REGULATIONS.

SECTION 12-258 HEIGHT REGULATIONS.

SECTION 12-260 C-2 GENERAL COMMERCIAL DISTRICT, GENERAL DESCRIPTION.

SECTION 12-261 USES PERMITTED.

SECTION 12-262 OPEN DISPLAY USES PERMITTED.

SECTION 12-263 AREA REGULATIONS.

SECTION 12-264 HEIGHT REGULATIONS.

SECTION 12-270 I-1 LIGHT INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

SECTION 12-271 USES PERMITTED.

SECTION 12-272 AREA REGULATIONS.

SECTION 12-273 HEIGHT REGULATIONS.

SECTION 12-275 1-2 HEAVY INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

SECTION 12-276 USES PERMITTED.

SECTION 12-277 USES PERMITTED ON REVIEW.

SECTION 12-278 AREA REGULATIONS.

SECTION 12-279 HEIGHT REGULATIONS.

SECTION 12-280 F-FLOOD PLAIN DISTRICT, GENERAL DESCRIPTION.

SECTION 12-281 USES PERMITTED.

SECTION 12-285 PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT, DESCRIPTION.

SECTION 12-286 PURPOSES.

SECTION 12-287 GENERAL PROVISIONS.

SECTION 12-288 PRINCIPAL USES PERMITTED IN PLANNED UNIT DEVELOPMENTS.

SECTION 12-289 ACCESSORY USES.

SECTION 12-290 LOT WIDTH AND LOT AREA MINIMUMS.

SECTION 12-291 NUMBER OF PERMITTED DWELLING UNITS.

SECTION 12-292 LIVABILITY SPACE.

SECTION 12-293 BUILDING HEIGHT.

SECTION 12-294 YARDS.

SECTION 12-295 PERIMETER REQUIREMENTS.

SECTION 12-296 OFF-STREET PARKING AND LOADING.

SECTION 12-297 GENERAL ADMINISTRATION OF PLANNED UNIT DEVELOPMENT.

SECTION 12-298 APPLICATION AND OUTLINE DEVELOPMENT PLANS.

ARTICLE 3

GENERAL PROVISIONS APPLYING TO ALL OR TO  
SEVERAL DISTRICTS

DIVISION 1

IN GENERAL

- SECTION 12-300 APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT.
- SECTION 12-301 OPEN SPACE.
- SECTION 12-302 HEIGHT.
- SECTION 12-303 GROUP HOUSING PROJECTS.
- SECTION 12-304 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.
- SECTION 12-305 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.
- SECTION 12-306 ANIMALS.
- SECTION 12-307 STORAGE OF LIQUIFIED PETROLEUM GASES.
- SECTION 12-308 TRAILER PARK REGULATIONS.

DIVISION 2

OFF-STREET PARKING REQUIREMENTS

- SECTION 12-310 GENERAL INTENT AND APPLICATION OF OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING.
- SECTION 12-311 REQUIRED OPEN SPACE.
- SECTION 12-312 LOCATION.
- SECTION 12-313 JOINT PARKING FACILITIES.
- SECTION 12-314 SIZE OF OFF-STREET PARKING SPACE.
- SECTION 12-315 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.
- SECTION 12-316 PAVED SURFACE REQUIRED.
- SECTION 12-317 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.

DIVISION 3

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

- SECTION 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.
- SECTION 12-321 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES.
- SECTION 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.
- SECTION 12-323 BUILDING VACANCY.
- SECTION 12-324 CHANGE IN USE.
- SECTION 12-325 DAMAGE TO BUILDING.
- SECTION 12-326 NONCONFORMING USE OF LAND.

DIVISION 4

ADMINISTRATION

- SECTION 12-330 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.
- SECTION 12-331 BUILDING PERMIT.
- SECTION 12-332 CERTIFICATE OF OCCUPANCY.
- SECTION 12-333 VIOLATIONS AND PENALTIES.
- SECTION 12-334 AMENDMENTS.
- SECTION 12-335 CLASSIFICATION OF NEW ADDITIONS.
- SECTION 12-336 VACATION OF PUBLIC EASEMENTS.

ARTICLE 4

SUBDIVISION REGULATIONS

DIVISION 1

GENERAL PROVISIONS

- SECTION 12-401 PURPOSE.
- SECTION 12-402 AUTHORITY.
- SECTION 12-403 APPLICATION TO TYPES OF SUBDIVIDING.
- SECTION 12-404 DEFINITIONS.
- SECTION 12-405 GENERAL PROCEDURE FOR PLAT APPROVAL, RECORDING, FILING.

DIVISION 2

DESIGN

- SECTION 12-410 URBAN DESIGN PRINCIPLES.
- SECTION 12-411 STREETS.
- SECTION 12-412 STANDARD STREETS IN E-1 ESTATE RESIDENTIAL SUBDIVISIONS.
- SECTION 12-413 ALLEYS.
- SECTION 12-414 EASEMENTS.
- SECTION 12-415 PUBLIC AREAS AND OPEN SPACES.
- SECTION 12-416 WATER LINES, WATER AND SEWER CONNECTIONS.
- SECTION 12-417 FIRE HYDRANTS.
- SECTION 12-418 LIGHTING.
- SECTION 12-419 OIL OR GAS WELLS.
- SECTION 12-420 LOT SPLITS
- SECTION 12-421 MODIFICATION; UNDUE HARDSHIP.
- SECTION 12-422 UNDERGROUND ELECTRICITY.
- SECTION 12-423 BLOCKS.
- SECTION 12-424 LOTS.

SECTION 12-425 BUILDING LINES.  
SECTION 12-426 NEIGHBORHOOD UNIT DEVELOPMENT.

DIVISION 3

IMPROVEMENTS

SECTION 12-430 GENERAL PROVISIONS.  
SECTION 12-431 PLAN PREPARATION.  
SECTION 12-432 SURETY BOND.  
SECTION 12-433 PERMANENT MARKERS.  
SECTION 12-434 STREET IMPROVEMENTS.  
SECTION 12-435 SIDEWALKS.  
SECTION 12-436 WATER LINES.  
SECTION 12-437 SANITARY SEWERS.  
SECTION 12-438 STORM SEWERS AND DRAINAGE.  
SECTION 12-439 MAINTENANCE AND SUPERVISION.

Division 4

PLAT PREPARATION AND APPROVAL PROCEDURE

SECTION 12-440 THE PRELIMINARY PLAT.  
SECTION 12-441 CERTIFICATION OF DESIGN.  
SECTION 12-442 CONTENTS OF THE PRELIMINARY PLAT.  
SECTION 12-443 PLANNING COMMISSION ACTION.  
SECTION 12-444 THE FINAL PLAT.  
SECTION 12-445 TIME OF SUBMISSION.  
SECTION 12-446 DRAFTING.  
SECTION 12-447 CONTENTS OF THE FINAL PLAT.  
SECTION 12-448 PLANNING COMMISSION ACTION.  
SECTION 12-449 CITY COUNCIL ACTION.  
SECTION 12-450 RECORDING OF PLAT.

DIVISION 5

ADMINISTRATION AND AMENDMENT

SECTION 12-460 VARIATIONS AND EXCEPTIONS.  
SECTION 12-461 ADMINISTRATION AND AMENDMENT.  
SECTION 12-462 VIOLATION AND PENALTY.

ARTICLE 5

FLOOD DAMAGE ORDINANCE

SECTION 12-505 APPLICATION; COMPLIANCE; INTERPRETATION.

SECTION 12-506 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

SECTION 12-507 DEVELOPMENT PERMIT REQUIRED.

SECTION 12-508 WARNING AND DISCLAIMER OF LIABILITY.

SECTION 12-509 DESIGNATION OF ADMINISTRATOR; DUTIES.

SECTION 12-510 PERMIT PROCEDURES: APPROVAL OR DENIAL.

SECTION 12-511 VARIANCE PROCEDURES.

SECTION 12-512 GENERAL STANDARDS: FLOOD HAZARD AREAS.  
SPECIFIC STANDARDS; FLOOD HAZARD AREAS.

SECTION 12-514 STANDARDS FOR SUBDIVISION PROPOSALS; FLOOD HAZARD AREAS.

SECTION 12-515 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

SECTION 12-516 VIOLATIONS AND PENALTIES.

ARTICLE 6

CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

SECTION 12-601 CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

CHAPTER 13. PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

- Section 13-101 ADOPTION OF FIRE PREVENTION CODE
- Section 13-102 ENFORCEMENT
- Section 13-103 DEFINITION
- Section 13-104 LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS; EXCEPTIONS
- Section 13-105 MODIFICATIONS
- Section 13-106 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS
- Section 13-107 APPEALS

ARTICLE 2

FIRE DEPARTMENT AND SERVICE

DIVISION 1

FIRE SERVICES

- Section 13-201 FIRE DEPARTMENT
- Section 13-202 DUTIES OF THE FIRE CHIEF
- Section 13-203 DUTIES OF ASSISTANT CHIEF
- Section 13-204 COMPANY OFFICERS
- Section 13-205 THE SECRETARY-TREASURER
- Section 13-206 NEW MEMBERS
- Section 13-207 BY-LAWS
- Section 13-208 RULES AND REGULATIONS
- Section 13-209 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR
- Section 13-210 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS
- Section 13-211 CONTRACT TERMS, FEES FOR SERVICE
- Section 13-212 AUTHORITY TO ANSWER CALLS
- Section 13-213 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY
- Section 13-214 DEPARTMENT CONSIDERED AGENT OF STATE

ARTICLE 3

POLICE DEPARTMENT

Section 13-301 POLICE DEPARTMENT CREATED; CHIEF  
Section 13-302 DUTIES  
Section 13-303 POLICE OFFICERS  
Section 13-304 EMERGENCY DUTIES IN OTHER CITIES  
Section 13-305 AUXILIARY/RESERVE FORCE CREATED; PROCEDURES

ARTICLE 4

RESERVED

ARTICLE 5

CIVIL DEFENSE

Section 13-501 PURPOSE OF CIVIL DEFENSE ORGANIZATIONS,  
DEFINITIONS  
Section 13-502 OFFICE OF CIVIL DEFENSE CREATED  
Section 13-503 DIRECTOR OF CIVIL DEFENSE, POWERS AND DUTIES  
Section 13-504 FURTHER POWERS AND DUTIES  
Section 13-505 DIRECTOR'S USUAL POWERS  
Section 13-506 POWERS IN ENEMY CAUSED EMERGENCY  
Section 13-507 POWERS IN NATURAL CAUSED EMERGENCY  
Section 13-508 NOT LIABLE FOR PERSONAL INJURY OR  
PROPERTY DAMAGE  
Section 13-509 LOANS, GIFTS, GRANTS TO CIVIL DEFENSE

ARTICLE 6

UNCLAIMED PROPERTY

Section 13-601 DELIVERY TO CHIEF OF POLICE REQUIRED; RECORDS  
Section 13-602 DISPOSITION OF PERSONAL PROPERTY,  
GENERAL PROCEDURES  
Section 13-603 SEIZED PROPERTY RELATED TO GAMBLING, REPORT  
AND DISPOSITION  
Section 13-604 SEIZED PROPERTY RELATED TO ALCOHOLIC  
BEVERAGES, DISPOSITION  
Section 13-605 PROPERTY OF DECEASED PERSONS  
Section 13-606 NOTICE OF SALE  
Section 13-607 LIBRARY BOOK DISPOSITION  
Section 13-608 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS

CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

- SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.
- SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY
- SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE
- SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS
- SECTION 14-105 UNLAWFUL TO PLAY ON STREETS
- SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES
- SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD
- SECTION 14-108 NOTICE; PENALTY
- SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE
- SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS
- SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET
- SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED
- SECTION 14-113 INSECTS AND WORMS
- SECTION 14-114 PERMIT TO STRING WIRES
- SECTION 14-115 PARKING OF TRUCKS, TRAILERS, COMMERCIAL VEHICLES, BUSES, RECREATIONAL VEHICLES ON CITY STREETS

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

- SECTION 14-201 NOTIFICATION TO CITY
- SECTION 14-202 FEE TO BE PAID TO CITY
- SECTION 14-203 SECURITY BOND
- SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY CITY

CHAPTER 15 TRAFFIC AND VEHICLES

ARTICLE 1

GENERAL PROVISIONS

- Section 15-101 CITATION OF CHAPTER
- Section 15-102 TRAFFIC CODE CONTROLLING
- Section 15-103 DEFINITIONS
- Section 15-104 ADOPTION OF STATE TRAFFIC CODE

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

- Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS
- Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE
- Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS
- Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS
- Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS
- Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE
- Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED
- Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS
- Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS
- Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES
- Section 15-211 AUTHORIZED EMERGENCY VEHICLES
- Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES
- Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED
- Section 15-214 CROSSING FIRE HOSE
- Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED
- Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED
- Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE
- Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED
- Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT
- Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES
- Section 15-221 REPORTING ACCIDENTS
- Section 15-222 ISSUANCE OF CITATION TAGS
- Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT
- Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE
- Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS  
Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE  
DEPARTMENT OF PUBLIC SAFETY  
Section 15-228 INSURANCE OR CERTIFICATE REQUIRED

### ARTICLE 3

#### VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO  
STREETS  
Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES  
Section 15-303 EQUIPMENT  
Section 15-304 MUFFLERS, CUT-OUTS  
Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD  
Section 15-306 INSPECTION OF VEHICLES

### ARTICLE 4

#### SPEED REGULATIONS

Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS  
Section 15-402 SCHOOL ZONES  
Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR  
PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS  
Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS  
Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS  
Section 15-406 RECKLESS DRIVING

### ARTICLE 5

#### DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES  
Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED;  
EXCEPTIONS  
Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED  
Section 15-504 OVERTAKING A VEHICLE ON THE LEFT  
Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS  
Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS  
Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS  
Section 15-508 FOLLOWING TOO CLOSELY  
Section 15-509 NO PASSING ZONES  
Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION  
PROHIBITED; EXCEPTIONS  
Section 15-511 DRIVERS IN A PROCESSION  
Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED  
Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES

Section 15-514 OVERTAKING AND PASSING SCHOOL BUS  
 Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING  
 Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED;  
 EXCEPTION  
 Section 15-517 LIMITATIONS ON BACKING VEHICLE  
 Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND  
 MOTOR SCOOTERS  
 Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR  
 Section 15-520 CLINGING TO VEHICLES PROHIBITED  
 Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS  
 Section 15-522 RECKLESS DRIVING  
 Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR  
 PARKING  
 Section 15-524 FULL TIME AND ATTENTION REQUIRED  
 Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A  
 PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND  
 PRUDENT MANNER  
 Section 15-526 SPEED CONTEST PROHIBITED  
 Section 15-527 DRIVING THROUGH SAFETY ZONE  
 Section 15-528 STARTING PARKED VEHICLE  
 Section 15-529 OPENING AND CLOSING VEHICLE DOORS  
 Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM  
 Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES  
 Section 15-532 UNLAWFUL RIDING  
 Section 15-533 PRIVATE SERVICE DRIVES  
 Section 15-534 TRUCK ROUTES  
 Section 15-535 LOADS ON VEHICLES  
 Section 15-536 VEHICLE APPROACHING OR ENTERING Intersection  
 Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS  
 Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN  
 Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY  
 Section 15-540 VEHICLES FACING STOP, SLOW, WARN OR CAUTION SIGNAL  
 Section 15-541 THROUGH STREETS  
 Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED  
 Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT  
 Section 15-544 VEHICLE ENTERING STOP Intersection  
 Section 15-545 VEHICLE ENTERING YIELD Intersection  
 Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR  
 DRIVEWAY  
 Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING  
 Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING  
 Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED  
 Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN  
 Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE  
 CROSSINGS  
 Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED

## ARTICLE 6

### TRAFFIC CONTROL DEVICES

- Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES
- Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS
- Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES
- Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES
- Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND
- Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS
- Section 15-607 FLASHING SIGNALS
- Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS
- Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED
- Section 15-610 DEFAACEMENT OF TRAFFIC CONTROL DEVICES
- Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH
- Section 15-612 PLAY STREETS, RESTRICTION ON USE
- Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES
- Section 15-614 TRAFFIC LANES

## ARTICLE 7

### STOPPING, STANDING AND PARKING GENERALLY

- Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE
- Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS
- Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS
- Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES
- Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING
- Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING
- Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS
- Section 15-708 PARKING IN SPACES MARKED OFF
- Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB
- Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING
- Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES
- Section 15-712 BLOCKING OF Intersection OR CROSSWALK PROHIBITED
- Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY
- Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS
- Section 15-715 PARKING ADJACENT TO SCHOOLS
- Section 15-716 PARKING PROHIBITED AT INTERSECTIONS
- Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS
- Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF

Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY  
Section 15-720 DOUBLE PARKING PROHIBITED  
Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING  
HAZARDOUS MATERIALS PROHIBITED  
Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED  
Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO  
CURB  
Section 15-724 NEGLIGENT PARKING  
Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE  
Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR  
PRIVATE PARKING

## ARTICLE 8

### LOADING

Section 15-801 DEFINITIONS  
Section 15-802 CURB LOADING ZONES, DESIGNATION  
Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED  
PURPOSE  
Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB  
LOADING ZONE  
Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB  
LOADING ZONE  
Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS  
Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED  
Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS

## ARTICLE 9

### TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS  
Section 15-902 DESIGNATION OF RESTRICTED TURNS  
Section 15-903 OBEDIENCE TO NO-TURN SIGNS  
Section 15-904 U-TURNS  
Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED,  
EXCEPTIONS  
Section 15-906 POSITION AND METHOD OF TURNING  
Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS  
Section 15-908 MEANS OF GIVING TURN SIGNALS  
Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS

ARTICLE 10

PEDESTRIANS

|                 |  |
|-----------------|--|
| Section 15-1001 | PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS   |
| Section 15-1002 | PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS  |
| Section 15-1003 | PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK   |
| Section 15-1004 | CROSSING AT RIGHT ANGLES   |
| Section 15-1005 | WHEN PEDESTRIANS SHALL YIELD   |
| Section 15-1006 | PEDESTRIANS WALKING ALONG ROADWAYS   |
| Section 15-1007 | PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS |
| Section 15-1008 | DRIVERS TO EXERCISE DUE CARE   |
| Section 15-1009 | CROSSING PROHIBITED  |
| Section 15-1010 | OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS   |

ARTICLE 11

BICYCLES

|                 |   |
|-----------------|---|
| Section 15-1101 | APPLICATION OF BICYCLE REGULATIONS      |
| Section 15-1102 | APPLICATION OF TRAFFIC LAWS TO BICYCLES |
| Section 15-1103 | OBEDIENCE TO TRAFFIC CONTROL DEVICES    |
| Section 15-1104 | RIDING ON BICYCLES                      |
| Section 15-1105 | RIDING ON ROADWAYS AND BICYCLE PATHS    |
| Section 15-1106 | SPEED OF BICYCLE                        |
| Section 15-1107 | EMERGING FROM ALLEY OR DRIVEWAY         |
| Section 15-1108 | CARRYING ARTICLES                       |
| Section 15-1109 | PARKING                                 |
| Section 15-1110 | RIDING ON SIDEWALKS                     |
| Section 15-1111 | LAMPS AND EQUIPMENT ON BICYCLES         |

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

|                 |  |
|-----------------|--|
| Section 15-1301 | PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS |
| Section 15-1302 | PLACE OF IMPOUNDMENT                         |
| Section 15-1303 | DURATION OF IMPOUNDMENT                      |
| Section 15-1304 | POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES |
| Section 15-1305 | DISABLED VEHICLES                            |
| Section 15-1306 | VEHICLES ON BRIDGE                           |
| Section 15-1307 | ARREST AND DETENTION OF DRIVER OF VEHICLE    |

|                 |   |
|-----------------|---|
| Section 15-1308 | VEHICLE CONSTITUTES TRAFFIC HAZARD          |
| Section 15-1309 | ILLEGAL TRESPASS BY VEHICLE                 |
| Section 15-1310 | VEHICLES PARKED OVERTIME                    |
| Section 15-1311 | VEHICLES BLOCKING FIRE EXITS OR HYDRANTS    |
| Section 15-1312 | VEHICLES PARKED IN Intersection             |
| Section 15-1313 | STOLEN VEHICLES; RECOVERY BY POLICE         |
| Section 15-1314 | VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS |

#### ARTICLE 14

#### PENALTIES

|                 |                                 |
|-----------------|---------------------------------|
| Section 15-1401 | OBEDIENCE TO TRAFFIC CODE       |
| Section 15-1402 | PENALTIES, SPECIFIC AND GENERAL |

CHAPTER 16 TRANSPORTATION

ARTICLE 1

RAILROADS

SECTION 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS  
SECTION 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS  
SECTION 16-103 CLIMBING ON TRAINS  
SECTION 16-104 SPEED LIMIT FOR TRAINS  
SECTION 16-105 CROSSING GATES OR SIGNALS  
SECTION 16-106 TRAINS BLOCKING STREETS  
SECTION 16-107 UNNECESSARY NOISE PROHIBITED

ARTICLE 2

AIRPORT DEPARTMENT AND AIRPORT COMMISSION

SECTION 16-201 DEPARTMENT OF AIRPORTS ESTABLISHED.  
SECTION 16-202 MAYOR TO APPOINT COMMISSION; LIMITATION.  
SECTION 16-203 CONDITIONS FOR SERVICE ON COMMISSIONS.  
SECTION 16-204 METHOD OF REMOVAL OF COMMISSION MEMBERS.  
SECTION 16-205 POWERS OF COMMISSIONERS.  
SECTION 16-206 AIRPORT COMMISSION TO MEET MONTHLY.  
SECTION 16-207 AIRPORT COMMISSION TO ELECT OFFICERS.  
SECTION 16-208 LEGAL COUNSEL FOR COMMISSION TO BE CITY  
ATTORNEY.  
SECTION 16-301 FAIRVIEW-MAJOR COUNTY JOINT AIRPORT ZONING BOARD  
CREATED.  
SECTION 16-302 MEMBERSHIP PROVIDED FOR.

ARTICLE 3

FAIRVIEW MUNICIPAL AIRPORT HEIGHT HAZARD ZONING

SECTION 16-301 TITLE.  
SECTION 16-301 TITLE.  
SECTION 16-302 DEFINITIONS  
SECTION 16-303 AIRPORT ZONES  
SECTION 16-304 AIRPORT ZONE HEIGHT LIMITATIONS  
SECTION 16-305 USE RESTRICTIONS  
SECTION 16-306 NONCONFORMING USES  
SECTION 16-307 PERMITS  
SECTION 16-308 ENFORCEMENT  
SECTION 16-309 BOARD OF ADJUSTMENT  
Section 16-310 Appeals  
SECTION 16-311 JUDICIAL REVIEW  
SECTION 16-312 PENALTIES

CHAPTER 17. UTILITIES

ARTICLE 1

GENERAL PROVISIONS

SECTION 17-101 LEASE OF SYSTEMS

SECTION 17-102 PENALTY, ADOPTION BY REFERENCE

CHAPTER 18. FEE SCHEDULE

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

- SECTION 1-101 HOW CODE DESIGNATED AND CITED
- SECTION 1-102 RULES OF CONSTRUCTION; DEFINITIONS
- SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS
- SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES
- SECTION 1-105 SEVERABILITY OF PARTS OF CODE
- SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES;  
AMENDATORY LANGUAGE
- SECTION 1-107 ALTERING CODE
- SECTION 1-108 GENERAL PENALTY
- SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION
- SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY
- SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED
- SECTION 1-112 INSPECTIONS AND RIGHT OF ENTRY.
- SECTION 1-113 SEARCH WARRANT OR ACCESS WARRANT

ARTICLE 2

WARD BOUNDARIES

- SECTION 1-201 MAP OF CITY DESIGNATED AS OFFICIAL MAP
- SECTION 1-202 WARD BOUNDARIES

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

USE AND CONSTRUCTION OF THE CODE

SECTION 1-101 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "Fairview Municipal Code 2005" and may be so cited. The Code may also be cited as the City Code or in the provisions which follow, as the "Code."

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

SECTION 1-102 RULES OF CODE CONSTRUCTION; DEFINITIONS.

A. In the construction of this code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

1. "Administrative regulations" means written orders which are issued by approval of the City Manager of the City;
2. Administrator" see "City Manager"
3. "And/or" means "or," and "or" may be read "and" if the sense requires it;
4. "Bond" means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event;
5. "Building" means any structure intended to have walls and a roof;
6. "Building official" means the person appointed by the City Manager and designated as the city's building official;
7. "Business" means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward;

8. "City" means the City of Fairview, in the County of Major and State of Oklahoma;
9. "City limits" means within the city and includes not only the corporate limits of the city but also any property which it owns or which is under its jurisdiction;
10. "City Manager" or "manager" means the City Manager of the city;
11. "Clerk" means the City Clerk;
12. "Council" means the governing body of the city, the city council;
13. "County" means Major County, Oklahoma;
14. "Definitions" given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;
15. "Designee," following an official of the city, means the authorized agent, employee or representative of such official;
16. "Gender" Words importing the masculine gender include the feminine and neuter as well as masculine;
17. "Health officer" means administrator of the cooperative department of the county and the city;
18. "Keeper" means one in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and copartnership whether acting by themselves or by a servant, agent or employee;
19. "Law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state and ordinances of the city, and, when appropriate, any and all rules and regulations promulgated thereunder;
20. "Manager" means the City Manager of the city;
21. "May" is permissive and discretionary;

22. "Mayor" means the mayor of the city;
23. "Month" means a calendar month;
24. "Number" Words used in the singular include the plural and the plural includes the singular;
25. "Oath" means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath;
26. "Occupant" means tenant or person in actual possession;
27. "Operate" means carry on, keep, conduct, maintain, manage, direct or superintend;
28. "Ordinances" mean the ordinances of the city and all amendments and supplements thereto;
29. "Owner" means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, "owner" means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land;
30. "Person" means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law;
31. "Personal property" means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property;
32. "Preceding" and "following" means next before and next after, respectively;

33. "Proprietor" means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee;
33. "Public Place" means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building, or any other place commonly open to the public;
34. "Real property" means land together with all things attached to the land so as to become a part thereof;
35. "Shall". The word "shall" is mandatory;
36. "Sidewalk" means that portion of a street between the curblines and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles;
37. "Signature and subscription" means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;
38. "State" means the State of Oklahoma;
39. "Statutes" means the Oklahoma Statutes as they are now or as they may be amended to be;
40. "Street" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this city, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

41. "Tenant" means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others;
42. "Tense" Words used in the past or present tense include the future, past, and present where applicable unless the context clearly indicates otherwise;
43. "Time" means the hour of the day according to the official time of the day;
44. "Time of performance" means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;
45. "Treasurer" means the city treasurer;
46. "Watercourse" means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks;
47. "Week" means seven (7) days;
48. "Writing" and "written" means any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means; and
49. "Year" means a calendar year.

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

SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS.

The catchlines of sections in this code are printed in CAPITAL LETTERS and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles

and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or re-enacted.

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.

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

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

SECTION 1-105 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in the code is declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code of ordinances.

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

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

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

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

Section \_\_\_\_\_. Be it ordained by the Council of the City of Fairview, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Fairview, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention.

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

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

SECTION 1-107 ALTERING CODE.

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

SECTION 1-108 GENERAL PENALTY.

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding Two Hundred Dollars (\$200.00), plus costs and state assessments. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

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

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

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

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

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

SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED.

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the City Council. Where a fee or charge is authorized to be collected by the City in any ordinance the amount of the fee or charge shall be set by resolution and entered into the schedule of fees and charges. The schedule shall be kept on file in the office of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.

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

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

| Charge                                  | Fine     | Costs   |
|---|----------|---------|
| Speeding: 1 to 10 mph over posted limit | \$75.00  | \$25.00 |
| 11 to 15 mph over posted limit          | \$100.00 | \$25.00 |
| 16 to 20 mph over posted limit          | \$125.00 | \$25.00 |
| 21 to 25 mph over posted limit          | \$150.00 | \$25.00 |
| 26 mph and over posted limit            | \$200.00 | \$25.00 |

|  |                                     |          |         |
|--|-------------------------------------|----------|---------|
| School Zone:   | 1 to 15 mph over<br>Posted limit    | \$150.00 | \$25.00 |
|  | 16 mph or more<br>Over posted limit | \$200.00 | \$25.00 |
| Driving Under the Influence (DUI)                        |                                     | \$500.00 | \$25.00 |
| Actual Physical Control (APC)                            |                                     | \$500.00 | \$25.00 |
| Driving While Impaired (DWI)                             |                                     | \$500.00 | \$25.00 |
| Transporting an Open Container Of Beer                   |                                     | \$100.00 | \$25.00 |
| Transporting an Open Container Of Alcohol                |                                     | \$150.00 | \$25.00 |
| Driving Under Suspension                                 |                                     | \$200.00 | \$25.00 |
| No Valid Driver's License (1 <sup>st</sup> Offense)      |                                     | \$100.00 | \$25.00 |
| No Valid Driver's License-2 <sup>nd</sup> and Subsequent |                                     | \$150.00 | \$25.00 |
| No Valid Driver's License in Possession                  |                                     | \$75.00  | \$25.00 |
| Permitting Unauthorized Driver                           |                                     | \$75.00  | \$25.00 |
| Permitting Minor to Drive                                |                                     | \$100.00 | \$25.00 |
| Reckless Driving   |                                     | \$250.00 | \$25.00 |
| Careless/Negligent Driving                               |                                     | \$150.00 | \$25.00 |
| Failure to Stop at Stop Sign                             |                                     | \$100.00 | \$25.00 |
| Failure to Obey Signal Light                             |                                     | \$100.00 | \$25.00 |
| Failure to Yield   |                                     | \$100.00 | \$25.00 |
| Failure/Child Restraint System                           |                                     | \$75.00  | \$25.00 |
| Failure to Wear Seat Belt                                |                                     | \$20.00  | \$0.00  |
| Driving Left of Center                                   |                                     | \$150.00 | \$25.00 |
| Following Too Close                                      |                                     | \$100.00 | \$25.00 |
| Failure to Yield to Emergency Vehicle                    |                                     | \$250.00 | \$25.00 |
| Leaving Scene of Property Damage Accident                |                                     | \$150.00 | \$25.00 |
| Leaving Scene of Personal Injury Accident                |                                     | \$250.00 | \$25.00 |
| Improper U-Turn  |                                     | \$75.00  | \$25.00 |
| Improper Left Turn to Park                               |                                     | \$75.00  | \$25.00 |
| Improper Backing   |                                     | \$75.00  | \$25.00 |
| Improper Parking   |                                     | \$50.00  | \$25.00 |
| Improper Parking (Handicapped Zone)                      |                                     | \$100.00 | \$25.00 |
| Expired Tag (Taxes Due the State)                        |                                     | \$100.00 | \$25.00 |
| Failure to Carry Insurance Verification                  |                                     | \$100.00 | \$25.00 |
| Failure to Comply with Compulsory Insurance              |                                     | \$150.00 | \$25.00 |
| Petty Larceny  |                                     | \$250.00 | \$25.00 |
| Failure to Obey Lawful Order of Police                   |                                     | \$250.00 | \$25.00 |
| Public Intoxication (1 <sup>st</sup> Offense)            |                                     | \$150.00 | \$25.00 |
| Public Intoxication (2 <sup>nd</sup> Offense)            |                                     | \$250.00 | \$25.00 |
| Trespassing  |                                     | \$150.00 | \$25.00 |
| Assault & Battery  |                                     | \$250.00 | \$25.00 |
| Dog at Large   |                                     | \$100.00 | \$25.00 |

All traffic violations not otherwise listed shall be bonded for \$150.00 and costs.

All Criminal violations not otherwise listed shall be bondable for \$250.00 and costs.

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

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

Deferral fees shall not exceed the maximum fine established for the same offense by the state, not to exceed \$200.00 for speeding and parking convictions, or \$750.00 for all other offenses. In addition, to the deferral fee, the municipal court can charge an administrative fee for a deferred sentence not to exceed \$500.00, which administrative fee shall be charged as costs in the case.

SECTION 1-112 INSPECTIONS AND RIGHT OF ENTRY.

A. To enforce the provisions of this code, the City Manager or his designee or any other person designated by this code or otherwise shall have a right of entry on premises for inspection purposes in the manner and to the extent as may be authorized by applicable law. This right of entry shall be a condition of any permit, license, grant or any utility service with or provided by the city. For the purpose of this section, inspection includes records and papers on the premises or of the permittee, licensee, grantee or customer relating to the permit, license, grant or service.

B. Emergency inspections may be authorized if the City Manager or his designated representative has reason to believe that a condition exists which poses an immediate threat to life, health or safety. Such procedure shall take place in accordance with applicable law.

C. Where the City Manager or other designated representative is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this section.

SECTION 1-113 SEARCH WARRANT OR ACCESS WARRANT

A. Any officer designated by the city to inspect a premises may, upon affidavit, apply to the judge of competent jurisdiction for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing

that a nuisance or violation of this code may exist, including one or more of the following;

1. That the premises or records require inspection according to the cycle established by the inspecting officer for periodic inspections of records, buildings or premises of the type involved;
2. That observation of external conditions of the premises and its public areas has resulted in the belief that violations of this code exist; or
3. That any other reasonable basis exists as may be authorized by law.

B. If the judge of competent jurisdiction is satisfied as to the matters set forth in the affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

## ARTICLE 2

### CORPORATE LIMITS

#### SECTION 1-201 MAP OF CITY DESIGNATED AS OFFICIAL MAP.

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

#### SECTION 1-202 WARD BOUNDARIES.

The four (4) wards of the city shall consist of the territory located within the city limits and containing the territory shown with all boundary lines described following the center line of the highways and streets and extending to the furthestmost point within the corporate limits of the city, if necessary, to include any portion of the City within said described ward, and further described as follows:

Ward 1 - That portion of Fairview, Oklahoma, which lies north of State Road beginning at the west City boundary thence extending east to Jefferson Street and that portion which lies west of North Jefferson Street extending to the north City boundary.

Ward 2 - That portion of Fairview, Oklahoma, which lies south of State Road beginning at the west City boundary thence extending east to Jefferson street and that portion which lies east of North Jefferson Street extending to the north City boundary with the south line being Ash Street beginning at the west City boundary thence extending to the east City Boundary.

Ward 3 - That portion of Fairview, Oklahoma, which lies south of Ash Street beginning at the west City boundary thence extending to the east City boundary with the south line being Central Street beginning at the west City boundary thence extending to the east City boundary.

Ward 4 - That portion of Fairview, Oklahoma, which lies south of Central Street beginning at the west City boundary thence extending to the east City boundary.

State Law Reference: Review of wards after each federal census, 11 O.S. 20-101; changing wards, 11 O.S. 20-102 to 20-105.

page left intentional blank

CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

GOVERNMENT ORGANIZATION

|               |  |
|---------------|--|
| SECTION 2-101 | FORM OF GOVERNMENT.  |
| SECTION 2-102 | CITY COUNCIL   |
| SECTION 2-103 | MEETINGS OF THE COUNCIL.   |
| SECTION 2-104 | MAYOR'S POWERS AND DUTIES, VICE MAYOR.   |
| SECTION 2-105 | COUNCIL'S POWERS AND DUTIES; DESIGNATED POWERS   |
| SECTION 2-106 | VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR   |
| SECTION 2-107 | CITY MANAGER APPOINTMENT BY COUNCIL; POWERS AND DUTIES.                                    |
| SECTION 2-108 | LIMITATION OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER                                |
| SECTION 2-109 | DESIGNATION OF ACTING CITY MANAGER   |
| SECTION 2-110 | SUSPENSION OR REMOVAL OF CITY MANAGER  |
| SECTION 2-111 | PURCHASES AND SALES MADE BY CITY MANAGER; COMPETITIVE BIDDING; TRANSFER OF MANAGER'S POWER |
| SECTION 2-112 | APPOINTMENTS AND REMOVALS  |
| SECTION 2-113 | CITY OFFICIALS AND EMPLOYEES; SUSPENSION AND REMOVAL; SUCCESSORS                           |
| SECTION 2-114 | CITY CLERK APPOINTMENT; DUTIES   |
| SECTION 2-115 | CITY TREASURER APPOINTMENT; DUTIES.  |
| SECTION 2-116 | SAME PERSON SHALL SERVE AS CLERK AND TREASURER.  |
| SECTION 2-117 | CITY ATTORNEY.   |
| SECTION 2-118 | ADMINISTRATIVE DEPARTMENTS, OFFICERS, AND AGENCIES.  |
| SECTION 2-119 | BONDS FOR CITY OFFICERS AND EMPLOYEES.   |
| SECTION 2-120 | COOPERATIVE HEALTH DEPARTMENT.   |
| SECTION 2-121 | RULES OF ORDER AND PROCEDURE   |
| SECTION 2-122 | PERSONNEL MANUAL ADOPTED   |
| SECTION 2-123 | COMPENSATION   |
| SECTION 2-124 | COMPENSATION OF EMPLOYEES; NUMBER AND CLASSES OF PERSONNEL                                 |
| SECTION 2-125 | SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT               |
| SECTION 2-126 | OATHS  |
| SECTION 2-127 | OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY                              |
| SECTION 2-128 | APPOINTMENT OF PERSONNEL IN EMERGENCIES  |

ARTICLE 2 AND 3 RESERVED

ARTICLE 4

SOCIAL SECURITY

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE  
SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY  
SECTION 2-403 WITHHOLDINGS  
SECTION 2-404 CONTRIBUTIONS  
SECTION 2-405 RECORDS AND REPORTS  
SECTION 2-406 EXCLUSIONS  
SECTION 2-407 POLICE INCLUDED

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1

FIRE PENSION SYSTEM

SECTION 2-501 FIRE FIGHTER PENSION AND RETIREMENT SYSTEM  
SECTION 2-502 SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW

DIVISION 2

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-520 EMPLOYEE RETIREMENT SYSTEM CREATED  
SECTION 2-521 ADMINISTRATION  
SECTION 2-522 FUND  
SECTION 2-523 APPROPRIATIONS  
SECTION 2-524 EXECUTION  
SECTION 2-525 CONFLICTING LAWS

ARTICLE 6

CITY RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS  
SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS  
SECTION 2-603 DUTIES OF CUSTODIANS  
SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS  
SECTION 2-605 PROCEDURES REGARDING BOTH INSPECTION AND  
COPYING OF OPEN PUBLIC RECORDS

SECTION 2-606 PROCEDURES REGARDING INSPECTION OF  
OPEN PUBLIC RECORDS  
SECTION 2-607 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS  
SECTION 2-608 NO FEE FOR INSPECTION  
SECTION 2-609 COPYING FEE  
SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION  
SECTION 2-611 SEARCH FEE  
SECTION 2-612 PREPAYMENT OF FEES  
SECTION 2-613 FEES

CHAPTER 2: ADMINISTRATION AND GOVERNMENT

ARTICLE 1

GOVERNMENT ORGANIZATION

SECTION 2-101 FORM OF GOVERNMENT

The city is governed under the council-manager form of government. All powers of the city shall be exercised in the manner prescribed by state law, by the city code, and in such manner prescribed by ordinances adopted by the city council.

State Law Reference: Council-manager form of government, Sections 10-101 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 2-102 CITY COUNCIL

A. The City Council shall consist of five (5) members. Four (4) Council members shall be selected from each ward of the city and one (1) council member at large. The following officers are to be elected for four-year terms:

1. Council members from Wards One (1) and Two (2).

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

1. Council members from Wards Three (3) and Four (4); and
2. The council member at large.

B. Qualifications of Council members. The council members shall be residents and registered voters of the city. The council members from wards shall be actual residents of their respective wards at the time of their candidacy and election; but removal of a council member from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

C. Election of Mayor and Vice-Mayor. The council shall elect from among its members a Mayor and a Vice-Mayor. The Mayor and vice-Mayor shall be elected in each odd-numbered year at the first council meeting held after council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

SECTION 2-103 MEETINGS OF THE COUNCIL

A. Regular meetings of the council shall be held at 5:30 p.m. on the first and third Tuesday of every month in council chambers at city hall unless, in the case of an emergency, the Mayor or council member calling a special meeting designates another place for holding the special meeting. Any adjourned meeting may be held at any other place in the city designated by the council. If such a Tuesday falls on a holiday, the regular meeting shall be held at that time of the next day which is not a regular holiday or Sunday.

B. Special meetings may be called by the Mayor or any three (3) council members.

C. The council may from time to time adopt rules to govern the proceedings of the council.

State Law Reference: See also Open Meetings Act, 25 O.S. Sec. 301 et seq.

SECTION 2-104 MAYOR'S POWERS AND DUTIES, VICE MAYOR.

The Mayor shall preside at meetings of the council, and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the city as the council may require. The Vice-Mayor shall act as Mayor during the absence, disability or suspension of the Mayor. The Mayor and Vice Mayor shall have all the powers and duties, prescribed by the city code, and state law, and as may be prescribed by ordinance.

State Law Reference: Mayor powers and duties, 11 O.S. 10-105.

SECTION 2-105 COUNCIL'S POWERS AND DUTIES; DESIGNATED POWERS.

All powers of a statutory council-manager city, including the determination of matters of policy, shall be vested in the council. Without limitation of the foregoing, the council may:

1. Appoint and remove the City Manager as provided by law;
2. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;

3. Raise revenue, make appropriations, regulate salaries and wages, and all other fiscal affairs of the city, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law;

4. Inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs, or authorize and provide for such inquiries;

5. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them;

6. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this article; and

7. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge.

SECTION 2-106 VACANCY IN THE OFFICE OF MAYOR OR VICE-MAYOR.

When a vacancy occurs in the office of Mayor, the Vice-Mayor shall become the Mayor for the duration of the unexpired term. When a vacancy occurs in the office of Vice-Mayor, the council shall elect another Vice-Mayor from among its members for the duration of the unexpired term.

SECTION 2-107 CITY MANAGER APPOINTMENT BY COUNCIL, POWERS AND DUTIES

A. The council shall appoint a City Manager for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. At the time of his appointment, the City Manager need not be a resident of the city or state; but during the tenure of his office he shall reside within the city. The City Manager may appoint himself, or the council or other authority may appoint or elect him, to other offices and positions in the city government, subject to regulations prescribed by ordinance; but he may not receive compensation for service in such other offices or positions. Neither the Mayor nor any members of the city council

may be appointed City Manager during the term for which he shall have been elected nor within two (2) years after the expiration of his term.

B. The City Manager shall be the chief executive officer and head of the administrative branch of the city government. He shall execute the laws and administer the government of the city, and shall be responsible therefor to the council. He shall:

1. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the city except as otherwise provided by law. The manager or the council by ordinance may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency;

2. Supervise and control all administrative departments, officers and agencies;

3. Prepare a budget annually and submit it to the council and be responsible for the administration of the budget after it goes into effect; and recommend to the council any changes in the budget which he deems desirable;

4. Submit to the council a report after the end of the fiscal year on the finances and administrative activities of the city for the preceding year;

5. Keep the council advised of the financial condition and future needs of the city, and make recommendations as he deems desirable; and

6. Perform such other duties as may be prescribed by law or by ordinance.

SECTION 2-108 LIMITATION OF COUNCIL AUTHORITY TO ACT THROUGH CITY MANAGER.

Except for the purposes of inquiry, the council and its members shall deal with the administrative service of the city solely through the City Manager. The council and its members may not:

1. Direct or request the City Manager or other authority to appoint or remove officers or employees;

2. Participate in any manner in the appointment or removal of officers and employees of the city, except as provided by law; or

3. Give orders on ordinary administrative matters to any subordinate of the City Manager either publicly or privately.

SECTION 2-109 DESIGNATION OF ACTING CITY MANAGER.

The City Manager, by letter filed with the City Clerk, may appoint a qualified administrative officer of the city to be acting City Manager during the temporary absence or disability of the City Manager. The council may appoint an acting City Manager whenever:

1. The manager fails to make such designation;
2. The council suspends the City Manager; or
3. There is a vacancy in the office of City Manager.

SECTION 2-110 SUSPENSION OR REMOVAL OF CITY MANAGER.

The council may suspend or remove the City Manager or acting City Manager at any time by a vote of a majority of all its members.

SECTION 2-111 PURCHASES AND SALES BY CITY MANAGER; COMPETITIVE BIDDING.

A. The City Manager shall contract for, purchase, or issue purchase authorizations for all supplies, materials, and equipment for offices, departments, and agencies of the city government, subject to any regulations which the council may prescribe. Every contract or purchase exceeding an amount to be established by the council shall require the prior approval of the council. The City Manager may also sell or transfer to or between offices, departments, and agencies surplus or obsolete supplies, materials, and equipment, subject to regulations the council may prescribe.

B. The council may prescribe requirements and procedures for competitive bidding. Notice and opportunity for competitive bidding shall be given before a purchase or contract for supplies, materials, or equipment is made, and before a sale of any surplus or obsolete supplies, materials, or equipment is made, in accordance with regulations the council may prescribe. The council shall not exempt a particular contract, purchase, or sale from the requirement of competitive bidding as provided by the Council's requirements and procedures.

SECTION 2-112 APPOINTMENTS AND REMOVALS.

Appointments and promotions shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council by ordinance may establish a merit system and provide for its organization and functioning, and provide for personnel administration and regulation of personnel matters.

SECTION 2-113 CITY OFFICIALS AND EMPLOYEES; SUSPENSION OR REMOVAL; SUCCESSORS.

An officer or employee may be suspended, demoted, laid off or removed by the City Manager or other authority which has the power to appoint or elect the officer or employee. The City Manager or other authority which has the power to appoint or elect the successor of an officer or employee may appoint or elect a person to act during the temporary absence, disability or suspension of such officer or employee, or, in the case of a vacancy, until a successor is appointed or elected and qualified. The council may ordain that a particular superior or subordinate or deputy of such officer or employee shall act in such cases.

SECTION 2-114 CITY CLERK APPOINTMENT, DUTIES.

The City Clerk is an officer of the city, appointed by the City Manager for an indefinite term and removable by the City Manager. The City Clerk is an officer of the city and has supervision and control of the department of finance. The City Clerk shall collect or receive all revenue and other monies of the city and shall deposit same with the city treasurer or for the city treasurer in an account or accounts maintained by the treasurer in a depository. The City Clerk shall maintain a general accounting system for the city government. The City Clerk shall have such other powers, duties and functions as may be prescribed by applicable law or ordinance.

State Law Reference: City Clerk appointment and duties, 11 O.S. 10-117.

SECTION 1-115 CITY TREASURER APPOINTMENT, DUTIES.

The city treasurer is an officer of the city, appointed by the city council for an indefinite term. The city treasurer shall deposit daily all funds coming into his hands for the city in such depositories as the council may designate, and shall disburse such funds in the manner provided by applicable laws or ordinances. The

city treasurer shall have such other powers, duties and functions as may be prescribed by applicable law or by ordinance.

State Law Reference: Treasurer appointment and duties, 11 O.S. 10-118.

SECTION 2-116 SAME PERSON SHALL SERVE AS CLERK AND TREASURER.

The same person shall hold both the offices of City Clerk and city treasurer. Such person shall be paid for the duties of such offices with a single pay check.

SECTION 2-117 CITY ATTORNEY.

There shall be a department of law, the head of which is the city attorney, appointed by the City Manager for an indefinite term, and removable by the City Manager. The city attorney is an officer of the city. The city attorney is the chief legal adviser of the council, all officers, departments and agencies of the city in matters relating to their official powers and duties. He represents the city in proceedings in the courts, and performs all services incident to his position which may be required by law or ordinances.

SECTION 2-118 ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES.

A. The department of public works, water and electric utility are established by the city. These departments shall have such duties as the council and manager may prescribe.

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

SECTION 2-119 BONDS FOR CITY OFFICERS AND EMPLOYEES.

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

SECTION 2-120 COOPERATIVE HEALTH DEPARTMENT.

The cooperative health department of the county and its director shall have the powers of a city health department and city health officer respectively of the city. References to health

department or health officer or director of the health department in this code and in other ordinances of the city mean the cooperative health department and its director, unless the context clearly indicates another meaning.

SECTION 2-121 RULES OF ORDER AND PROCEDURE.

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

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

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

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

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

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

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

- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a council member while speaking;
- c. When the previous question has been ordered; or
- d. While a vote is being taken.

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

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

- a. To adjourn;
- b. To lay on the table;
- c. For the previous question;
- d. To postpone to a day certain;
- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

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

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

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

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

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

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

SECTION 2-122 PERSONNEL MANUAL ADOPTED

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

SECTION 2-123 COMPENSATION

Neither the Mayor nor any council member shall receive any compensation for service to the City but may receive reimbursement of reasonable expenses.

SECTION 2-124 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL.

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

SECTION 2-125 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT.

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

SECTION 2-126 OATHS.

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

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

SECTION 2-127 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY.

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

SECTION 2-128 APPOINTMENT OF PERSONNEL IN EMERGENCIES.

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

ARTICLE 2 AND 3 - RESERVED

ARTICLE 4

SOCIAL SECURITY

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

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

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

SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY.

The Mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this code.

SECTION 2-403 WITHHOLDINGS.

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

SECTION 2-404 CONTRIBUTIONS.

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

SECTION 2-405 RECORDS AND REPORTS.

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

SECTION 2-406 EXCLUSIONS.

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

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

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

SECTION 2-407 POLICE INCLUDED.

All police personnel of the City shall hereafter be covered by the social security program along with personnel already covered by the program, and proper deductions from police payrolls shall hereafter be made in order to comply with social security laws and regulations.

ARTICLE 5

RETIREMENT AND PENSIONS

DIVISION 1

FIRE PENSION SYSTEM

SECTION 2-501 FIRE FIGHTER PENSION AND RETIREMENT SYSTEM

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

State Law Reference: Firefighter's pension system, 11 O.S. Secs. 49-101 et seq.

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

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

DIVISION 2

EMPLOYEE RETIREMENT SYSTEM

SECTION 2-520 EMPLOYEE RETIREMENT SYSTEM CREATED

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of the city employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of July 1, 1987, the funded pension plan designated "Employee Retirement System of Fairview, Oklahoma" (hereinafter called "system"), and as amended, an executed counterpart of which is marked "Exhibit A."

Ed Note: Exhibit A is on file in the City Clerk's office and is available for public inspection.

SECTION 2-521 ADMINISTRATION.

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

SECTION 2-522 FUND.

A fund is hereby provided for the exclusive use and benefit of the person entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the city treasurer, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the city council as soon as feasible. The city treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the board of trustees.

The fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. The Fund and system shall be valued each year for actuarial soundness by a qualified actuarial firm.

SECTION 2-523 APPROPRIATIONS.

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective biannual actuarial valuation. However, the amount so appropriated in any one fiscal year of the city to maintain the system and trust fund. Any appropriation so made to maintain the amended retirement system and fund shall be for deferred wages or salaries and for the payment of necessary expenses of operation and administration, including separate annual

appropriations to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes, and shall be paid into the Oklahoma Municipal Retirement Fund when available, through the city treasurer, to be by him duly transferred to the fund.

SECTION 2-524 EXECUTION.

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

B. The city council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and towns of the state to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. The city council shall manifest approval of such contract and the execution thereof by the Mayor and City Clerk by a formal resolution.

SECTION 2-524 CONFLICTING LAWS.

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

ARTICLE 6

CITY RECORDS

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIANS.

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

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

2. City treasurer. All public records not on file in the office of the City Clerk and kept and maintained in the City treasurer's office;

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

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

5. City attorney. All public records not on file in the office of the City Clerk and kept and maintained in the City attorney's office;

6. City Manager. All public records not on file in the office of the City Clerk and kept and maintained in the City Manager's office;

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

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

SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

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

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

SECTION 2-603 DUTIES OF CUSTODIANS.

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

SECTION 2-604 REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

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

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

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

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

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

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

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

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

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

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

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

9. No record search or copying charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2-608 NO FEE FOR INSPECTION.

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

SECTION 2-609 COPYING FEE.

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

SECTION 2-610 FEE FOR MECHANICAL REPRODUCTION.

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

SECTION 2-611 SEARCH FEE.

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

SECTION 2-612 PREPAYMENT OF FEES.

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

SECTION 2-613 FEES.

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

page left intentionally blank

CHAPTER 3: ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

|               |   |
|---------------|---|
| Section 3-101 | DEFINITIONS AND INTERPRETATIONS                                 |
| Section 3-102 | OCCUPATION TAX LEVIED   |
| Section 3-103 | PAYMENT REQUIRED; PENALTY                                       |
| Section 3-104 | ANNUAL REPORT   |
| Section 3-105 | APPLICATION FOR CERTIFICATE; INVESTIGATIONS                     |
| Section 3-106 | ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE |
| Section 3-107 | RETAIL PACKAGE STORES & MIXED BEVERAGE LOCATION                 |
| Section 3-108 | CONDITION OF SALE   |
| Section 3-109 | CONSUMPTION PROHIBITED  |
| Section 3-110 | PROHIBITED SALES, POSSESSION BY MINORS                          |
| Section 3-111 | TRANSPORTING BEVERAGES  |
| Section 3-112 | PROHIBITED EMPLOYMENT, MINORS NOT TO ENTER                      |
| Section 3-113 | DATES, HOURS ON WHICH SALE PROHIBITED                           |
| Section 3-114 | SEPARATE PREMISES REQUIRED                                      |
| Section 3-115 | CONSUMPTION AND INTOXICATION IN A PUBLIC PLACE                  |
| Section 3-116 | PROCEDURE FOR SUSPENSION AND REVOCATION OF LICENSE BY CITY      |
| Section 3-117 | PROHIBITIONS  |

ARTICLE 2

NONINTOXICATING BEVERAGES

|               |  |
|---------------|--|
| Section 3-201 | DEFINITIONS  |
| Section 3-202 | LICENSE FEE LEVIED   |
| Section 3-203 | LICENSE REQUIRED   |
| Section 3-204 | COMPLIANCE WITH LAW; EXPIRATION OF LICENSE                 |
| Section 3-205 | REVOCATION OF LICENSE                                      |
| Section 3-206 | PROHIBITED LOCATION  |
| Section 3-207 | SALE AND PURCHASE TO OR BY MINORS                          |
| Section 3-208 | PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED             |
| Section 3-209 | MINORS; POSSESSION OF NONINTOXICATING BEVERAGES PROHIBITED |
| Section 3-210 | NOT TO PERMIT MINORS TO FREQUENT BARS; EXCEPTIONS          |
| Section 3-211 | INTOXICATED PERSONS  |
| Section 3-212 | DRINKING IN PUBLIC   |
| Section 3-213 | HOURS OF SALE  |
| Section 3-214 | TRANSPORTING OPEN CONTAINER                                |

CHAPTER 3: ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

Section 3-101 DEFINITIONS AND INTERPRETATIONS.

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

Section 3-102 OCCUPATION TAX LEVIED.

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

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

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

Section 3-103 PAYMENT REQUIRED; PENALTY.

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

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

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

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

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

Section 3-104 ANNUAL REPORT.

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

Section 3-105 APPLICATION FOR CERTIFICATE; INVESTIGATIONS.

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

1. Filing a written application on forms prescribed by that office; and
2. Paying a verification and certification fee in such amount as set by the Council at the time of filing;

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

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

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

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

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

C. The above certificates of compliance shall be signed by the City Manager or by the City Clerk.

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

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

Section 3-107 RETAIL PACKAGE STORES; LOCATION.

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

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

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

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

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

- a. be submitted in writing,
- b. be signed by the person protesting,
- c. contain the mailing address and address of residence, if different from the mailing address of the protester,

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

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

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

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

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

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

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

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

Section 3-108 CONDITION OF SALE.

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

1. In retail containers;
2. At ordinary room temperatures;
3. In the original package; and

4. For consumption off the premises.

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

Section 3-109 CONSUMPTION PROHIBITED

No person shall drink or consume in any manner any alcoholic beverage on the premises of a retail alcoholic beverage package store; neither shall a person open nor break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail beverage store.

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

Section 3-110 PROHIBITED SALES, POSSESSION BY MINORS.

A. No person shall knowingly sell, deliver or furnish alcoholic beverages, at any place within the City limits of the City to any person who is a minor. Neither shall any minor misrepresent his age verbally nor in writing, or present false documentation of age or otherwise for the purpose of inducing any other person to sell him alcoholic beverages.

B. It shall be unlawful for any person under the age of twenty-one (21) years to be in the possession of any alcoholic beverage while such person is upon any public street, road or highway, or in any public building or public place.

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

Section 3-111 TRANSPORTING BEVERAGES.

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

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

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

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

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

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

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

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

Section 3-114 SEPARATE PREMISES REQUIRED.

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

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

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

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

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

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

Section 3-117 PROHIBITIONS

A. No person shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

B. No licensee of the ABLE Commission shall:

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

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

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

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

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

- b. sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
- c. sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- d. sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
- e. increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
- f. encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes. Provided that the provisions of this paragraph shall not prohibit the advertising or offering of food or entertainment in licensed establishments;

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

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

C. No package store licensee shall:

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

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

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

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

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

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

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

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

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

D. No wholesaler licensee shall:

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

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

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

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

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

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

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

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

F. No bottle club licensee shall:

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

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

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

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

5. Sell any alcoholic beverage;

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

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

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

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

G. No special event or caterer licensee shall:

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

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

ARTICLE 2

NONINTOXICATING BEVERAGES

Section 3-201 DEFINITIONS.

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

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

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

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

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

Section 3-202 LICENSE FEE LEVIED.

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

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

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

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

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

Section 3-203 LICENSE REQUIRED.

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

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

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

Section 3-205 REVOCATION OF LICENSE.

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

Section 3-206 PROHIBITED LOCATION.

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

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

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

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

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

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

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

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

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

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

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

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

It is unlawful and an offense for any minor to be in possession of any nonintoxicating beverage while such person is on any public street, road or highway, or in any public building or place.

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

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

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

C. It shall be unlawful for any person who holds a license to sell and dispense low-point beer, for consumption on the premises, or any agent, servant or employee of said license holder to permit any person under twenty-one (21) years of age to consume any low-point beer on the licensed premises.

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

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

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

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

Section 3-211 INTOXICATED PERSONS.

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

Section 3-212 DRINKING IN PUBLIC.

It is unlawful for any person to drink any nonintoxicating beverage while such person is upon any public street, alley, or

other public highway, or in any public building or other public place within the City. This Section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

Section 3-213 HOURS OF SALE.

No place licensed to sell nonintoxicating beverages shall sell such beverages for consumption on the premises between the hours of 2:00 a.m. and 7:00 a.m. on any day.

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

Section 3-214 TRANSPORTING OPEN CONTAINER.

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

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

page left intentionally blank

CHAPTER 4

ANIMAL REGULATIONS

Article 1

GENERAL PROVISIONS

|               |   |
|---------------|---|
| SECTION 4-101 | DEFINITIONS.  |
| SECTION 4-102 | ANIMALS NOT TO BE AT LARGE.   |
| SECTION 4-103 | TURNING ANIMALS AT LARGE UNLAWFUL.  |
| SECTION 4-104 | BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION.  |
| SECTION 4-105 | NOISY ANIMALS; COMPLIANT PROCEDURE FOR ANIMALS WHICH DISTURB, ARE IN VIOLATION OF CODE. |
| SECTION 4-106 | PASTURING IN PUBLIC AREAS ILLEGAL.  |
| SECTION 4-107 | ANIMALS WHICH MAY NOT BE KEPT IN CITY.  |
| SECTION 4-108 | KENNELS, LICENSES.  |
| SECTION 4-109 | RECORDS KEPT BY KENNELS, PET SHOPS.   |

Article 2

VACCINATION AND LICENSING

|               |  |
|---------------|--|
| SECTION 4-121 | RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS. |
| SECTION 4-122 | RESERVED   |

Article 3

IMPOUNDMENT REGULATIONS

|               |   |
|---------------|---|
| SECTION 4-131 | IMPOUNDMENT, RECORDS, DISPOSITION OF ANIMALS.           |
| SECTION 4-132 | BREAKING POUND OR INTERFERING WITH IMPOUNDING OFFICERS. |
| SECTION 4-133 | ANIMAL SHELTER FEES.                                    |
| SECTION 4-134 | REDEMPTION, ADOPTION, OF ANIMAL.                        |
| SECTION 4-135 | ADOPTION OF IMPOUNDED ANIMALS.                          |

Article 4

CRUELTY TO ANIMALS

|               |                               |
|---------------|-------------------------------|
| SECTION 4-141 | CRUELTY TO ANIMALS.           |
| SECTION 4-142 | POISONING ANIMALS.            |
| SECTION 4-143 | ENCOURAGING ANIMALS TO FIGHT. |

Article 5

ZONING ORDINANCE

Section 4-151 Zoning ordinance to prevail.

Article 6

RABIES AND ANIMAL BITES

SECTION 4-161 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE.  
SECTION 4-162 RABIES DIAGNOSES; QUARANTINE OF CITY; TIME  
LIMIT.  
SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED.  
SECTION 4-164 REPORTS OF BITE CASES; REPORT BY  
VETERINARIAN.  
SECTION 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER.  
SECTION 4-166 RECORDS.

Article 7

VICIOUS, DANGEROUS AND DISEASED ANIMALS

SECTION 4-171 KEEPING UNLAWFUL.  
SECTION 4-172 SUMMONS AND COMPLAINT.  
SECTION 4-173 IMPOUNDMENT.  
SECTION 4-174 HEARING.  
SECTION 4-175 DETERMINATION.

Article 8

PENALTY

SECTION 4-181 PENALTY.

CHAPTER 4

ANIMAL REGULATIONS

Article 1

IN GENERAL

SECTION 4-101 DEFINITIONS.

As used in this chapter:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, swine, dog, cat, rabbit, chicken, goose, duck, turkey or any other animal or fowl;
2. "Animal shelter" means any premises designated by action of the council for the purposes of impounding and caring for animals;
3. "Animal control officer" means the person or persons employed by the city as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter;
4. "At large" or "running at large" means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner of the animal, and not under the control of the owner, a member of his immediate family, twelve (12) years of age or older, or an agent of the owner, by leash or otherwise;
5. "Confined on the premises" means that condition in which an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the animal from leaving the premises and to physically prevent the animal from causing physical injury to persons or other animals which are off the premises upon which the confined animal is located;
6. "Dangerous animal" means any animal that: a. has inflicted severe injury on a human being without provocation on public or private property, b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the animal thereafter aggressively bites, attacks, or endangers the

safety of humans, or c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the animal thereafter kills or severely injures a domestic animal. Animals shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime. Dangerous animal does not include a police dog while the police dog is being used to assist law enforcement officers in the performance of their duty;

7. "Enclosure" means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, with at least 150 square feet of space for each animal kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping;
8. "Exposed to rabies" means any animal that has been bitten by or exposed to any other animal known to have been infected with rabies;
9. "Fowl" means chickens, guineas, geese, ducks and pigeons;
10. "Impoundment" means placing an animal in the animal control vehicle or unit or holding an animal in custody at the animal control shelter;
11. "Keeper" means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to;
12. "Menacing fashion" means that an animal would cause any person observing the animal to reasonably believe that the animal will cause physical injury to persons or other animals;
13. "Neuter" means to render a male dog or cat unable to reproduce;
14. "Nuisance" means the conduct or behavior of any small or large animal, cat or dog which molests persons passing by or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in

an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter;

15. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds. For the purpose of a dog running at large or being subject to the city license tax, an owner is any person harboring or caring for a dog for three (3) days or more;
16. "Potentially dangerous animal" means any animal that: a. when unprovoked inflicts bites a human either on public or private property, or b. when unprovoked kills or severely injures a domestic animal either on public or private property;
17. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person;
18. "Restraint" means that an animal is controlled by leash or tether, either of which shall not exceed six (6) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper;
19. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;
18. "Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce;
19. "Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian;
20. "Without provocation" means that an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

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

State Law Reference: City powers to regulate animals, 11 O.S. Sec. 22-115.

SECTION 4-102 ANIMALS NOT TO BE AT LARGE.

A. No owner shall permit any animal, including fowl, owned, harbored or kept by him to be at large within the city.

B. Any animal in violation of this section shall be subject to impound and disposition as provided in this chapter.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

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

SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION.

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

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

C. Every building where any livestock is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly tight receptacle for manure, of such size as to hold all accumulation of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a Nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

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

SECTION 4-105 NOISY ANIMALS; COMPLAINT PROCEDURE FOR ANIMALS WHICH DISTURB, ARE IN VIOLATION OF CODE.

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

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

SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL.

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

SECTION 4-107 ANIMALS WHICH MAY NOT BE KEPT IN CITY.

A. It is unlawful to keep, maintain or permit to be kept or maintained any swine, cattle, horses, mules, goats, rabbits, sheep or livestock, and fowl (including chickens, ducks, geese, etc.) within the city, except as follows:

1. Temporarily in a stock yard awaiting transportation;
2. Temporarily at a slaughter house awaiting slaughter;
3. Temporarily for show purposes;
4. Temporarily at a veterinary clinic for treatment or surgery.

B. On tracts zoned District A-1 General Agriculture or District A-2 Suburban, livestock may be kept provided that the tract or lot shall be a minimum of one square acre, and there shall be not kept or maintained thereon, animals in excess of one head per square acre.

C. No wild animal shall be kept within the city except for exhibition purposes by a zoo or circus, with permission granted by the city manager or his designee.

D. The keeping or maintaining or permitting to be kept or maintained any animal listed in subsection A hereinabove within the city is hereby declared to be a public nuisance.

SECTION 4-108 KENNELS, LICENSES.

A. For the purpose of this chapter, a "kennel" is any location or premises where more than (3) dogs or three (3) cats are located, whether residential or business, within the city. Provided however, for purpose of this definition regarding the permissible number, dogs and cats shall not include the offspring for up to four (4) months after their birth. For the purpose of this chapter, the term "cattery" shall be interchangeable with the term kennel.

B. It is unlawful for any owner or harborer to keep a kennel in the city unless the owner or harborer shall first possess a license for such kennel.

C. The annual license fee for a kennel or cattery shall be as set by the council by motion or resolution.

D. Upon proof of proper zoning and payment of the required license fee, the license provided for by this section shall be issued.

E. A license issued herein shall be posted on the licensed premises at all times.

F. A license issued herein shall be in lieu of all other license fees prescribed, provided that all dogs in the kennel shall at all times be confined. Should a dog belonging to an owner or harborer be allowed off the premises, the owner or harborer shall pay the same tax and license fee as required for all dogs over four (4) months of age as provided in this chapter.

G. Kennels shall be subject to inspection by the animal control officer at all times.

H. No kennel or cattery shall be maintained closer than two hundred (200) feet to any apartment house, hotel, restaurant, 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 on which the kennel or cattery is kept.

SECTION 4-109 RECORDS KEPT BY KENNELS, PET SHOPS.

A. All pet shops, kennels and catteries shall maintain records and retain such records for a two-year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex and age; date and source of animal; period for which the animal is maintained; date and disposition of animal, including name and address of the new owner, disease prevention or treatment and by whom.

B. A pet shop, cattery or kennel shall provide general environmental conditions to control parasites, clean food and water, weather protection and clean and sanitary facilities.

C. A pet shop, cattery or kennel shall provide cages and pens of easily cleanable materials, is used for confinement, and shall be kept clean and sanitary at all times.

Article 2

VACCINATION AND LICENSING

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

A. No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually every year before July 1 thereof, and in any event before the cat or dog becomes six (6) months of age.

B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.

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

1. Locally license veterinarians shall forward to the Fairview Police Department on a weekly basis a list of all vaccination tags issued.

2. Owners of dogs and cats who use other than local license veterinarians must provide to the Fairview Police Department proof of the vaccination and the tag number.

3. If no tag is given by the veterinarian, the Fairview Police Department shall issue a tag upon proof of vaccination for a fee as determined by the City Council.

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

State Law Reference: City's power to regulate dogs, 11 O.S. Sec. 22-115.

#### SECTION 4-122 REGISTRATION.

A. A charge as set by the council by motion or resolution is levied for each dog over six (6) months of age in the city. The tax does not apply to any dog temporarily brought and kept within the city, nor to a dog brought within the city to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place.

B. The owner shall pay such tax to the City Clerk for every year before the first day of July thereof, or upon acquiring after that day any dog within the city upon which the tax has not been paid for the year in which acquired, or upon bringing a dog into the city after that day.

C. Before the clerk accepts money offered in payment of the tax for a dog or issues a license for it, the person offering the tax shall present to the City Clerk the certificate of a veterinarian or other person legally authorized to immunize dogs showing that the dog has been immunized against rabies during the preceding year.

D. The owner of the dog shall, at the time of paying the tax, register the dog by giving the City Clerk the name and address of the owner, the name, breed, color and sex of the dog, and such other reasonable information as the City Clerk may request.

E. The City Clerk thereupon shall deliver an original receipt to the owner and also an appropriate tag for the dog. Such tag shall constitute a license for the dog.

F. The owner shall cause the tag received from the City Clerk to be affixed to the collar or harness of the dog upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog at all times.

G. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City Clerk, presenting to him the original receipt, and paying to him a fee as set by the council, .

H. No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog as provided in this chapter, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued.

### Article 3

#### IMPOUNDMENT REGULATIONS

##### SECTION 4-131 IMPOUNDMENT RECORD, DISPOSITION OF ANIMALS

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

B. Any dog or other animal found running at large or in violation of this chapter shall be picked up and immediately impounded in the animal shelter and confined in an human manner.

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

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

2. Leave a notice by telephone with a member of the owner's family, or other person residing at the owner's home, as shown in the city's records, over the age of fifteen (15) years, or by mail, first class letter, if no personal contact is accomplished within seventy-two (72) hours after receipt of the animal notifying the owner that unless reclaimed within seventy-two (72) hours after impoundment, Saturdays, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of.

SECTION 4-132 BREAKING POUND OR INTERFERING WITH OFFICERS.

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

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

SECTION 4-133 ANIMAL SHELTER FEES.

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

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

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

City Clerk to be retained as expenses of taking the animal into custody.

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

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

SECTION 4-134 REDEMPTION, ADOPTION, OF ANIMAL.

A. An owner of an impounded animal or his agent may redeem the animal prior to its sale or destruction as provided for herein by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first seventy-two (72) hours after the impoundment of the animal, the animal by be otherwise disposed of as provided for herein.

B. A person desiring to adopt an animal from impoundment shall pay an adoption fee, costs of any necessary vaccinations.

SECTION 4-135 ADOPTION OF IMPOUNDED ANIMALS.

A. Animals of apparent value not reclaimed within the time provided in this chapter may be sold for cash under the direction of the animal control officer. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased. All money received for such sale shall be paid to the City Clerk on the day it is received or by noon on the next day the office of the City Clerk is open.

B. The owner of an impounded animal sold as prescribed herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the council, the City Clerk shall pay him such excess, but if a claim is not so made, the excess shall belong to the city.

SECTION 4-141 CRUELTY TO ANIMALS.

It is unlawful for any person, willfully and maliciously, to pour on, or apply to, any animal any drug or other thing which inflict pain on the animal; or to knowingly treat an animal in a

cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-142 POISONING ANIMALS.

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

SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT.

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

Article 5

ZONING ORDINANCE

SECTION 4-151 ZONING ORDINANCE TO PREVAIL.

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

Article 6

RABIES AND ANIMAL BITES

SECTION 4-161 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE

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

B. The owner, upon demand by any city officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the

expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

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

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

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

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

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

State Law Reference: State quarantine of animals, 63 O.S. Sec. 1-508

SECTION 4-163 KILLING OR REMOVING RABID ANIMAL PROHIBITED.

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

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

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

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

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

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

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

SECTION 4-165 INVESTIGATIONS FOR VIOLATION OF CHAPTER

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

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

SECTION 4-166 RECORDS.

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

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

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

Article 7

DANGEROUS ANIMALS

SECTION 4-171 KEEPING UNLAWFUL.

No person may keep any animal within the corporate limits of the City of Fairview in violation of the terms of this Article.

SECTION 4-172 SUMMONS AND COMPLAINT.

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

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

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

1. Name, address and telephone number of the complainant and other witnesses to the incident;
2. Date, time and location of the incident;
3. Description of the animal;
4. Name, address and telephone number (if known) of the animal owner;
5. A statement that the animal attacked the complainant or some other person or animal as witnessed by the complainant, or such facts as warrant a finding that the animal is dangerous; and
6. other facts and circumstances of the incident.

SECTION 4-173 HEARING.

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

SECTION 4-174 DETERMINATION.

A. The municipal judge shall be empowered to make one of the following determinations as a result of the hearing.

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

2. That the animal is in fact dangerous and should be destroyed.

3. That the animal is dangerous but that for good cause shown, the animal should not be destroyed, in which event the judge shall order all of the following:

- a. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol on the premises and on the enclosure that informs children of the presence of a dangerous dog and at a minimum states in capital bold lettering "BEWARE OF DANGEROUS ANIMAL".
- b. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog. A copy of the binder showing such insurance coverage is in full force and effect shall be filed with the City Clerk and no change, amendment or cancellation shall occur to such policy without the City receiving at least ten (10) days prior written notice.

c. Payment of all fee required in this article.

B. It is unlawful for an owner of a dangerous animal to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

C. Any dangerous animal shall be immediately confiscated by an animal control authority if:

a. The owner does not secure the required liability insurance coverage;

b. The animal is not maintained in the proper enclosure; or

c. The animal is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person.

Any such fine, at the discretion of the court, may be offset by payments made by the animal owner to any victim of an attack by the animal. However, insurance payments may not be considered as an offset.

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

E. The Court shall make determinations regarding whether an animals is deemed dangerous or potentially dangerous and all other related orders to protect the health, safety and welfare of the public.

## Article 8

### PENALTY

#### SECTION 4-181 PENALTY

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

page left intentionally blank

CHAPTER 5: BUILDING REGULATIONS AND CODES

ARTICLE 1

BUILDING CODE AND REGULATIONS

- SECTION 5-101 INTERNATIONAL BUILDING CODE ADOPTED
- SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE
- SECTION 5-103 PENALTY
- SECTION 5-104 BUILDING OFFICIAL
- SECTION 5-105 FIRE DISTRICTS DEFINED
- SECTION 5-106 BUILDING PERMIT REQUIRED; FEE
- SECTION 5-107 NUMBERING OF BUILDINGS - RESERVED
- SECTION 5-108 PERMIT REQUIRED FOR MOVING BUILDING, BUILDING WITH TRAILER OR MOBILE HOME
- SECTION 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE
- SECTION 5-110 INTERNATIONAL EXISTING BUILDING CODE ADOPTED
- SECTION 5-111 OUTDOOR PRIVATE SWIMMING POOLS

ARTICLE 2

PLUMBING CODE

- SECTION 5-201 ADOPTION OF INTERNATIONAL PLUMBING CODE
- SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE
- SECTION 5-203 PLUMBERS; REGISTRATION
- SECTION 5-204 PLUMBING, PERMITS AND INSPECTIONS
- SECTION 5-205 PLUMBING INSPECTOR; APPOINTMENT; POWERS AND DUTIES

ARTICLE 3

ELECTRICAL CODE

- SECTION 5-301 DEFINITIONS
- SECTION 5-302 NATIONAL ELECTRICAL CODE
- SECTION 5-303 UNDERWRITERS LABORATORIES, INC
- SECTION 5-304 CITY MAY MAKE SPECIAL RULINGS
- SECTION 5-305 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE
- SECTION 5-306 INSPECTION FEE
- SECTION 5-307 ELECTRICIAN'S REGISTRATION REQUIRED, BOND
- SECTION 5-308 COMPLIANCE WITH REGULATIONS
- SECTION 5-309 INSPECTION OF WORK; REMOVAL OF DEFECTIVE INSTALLATIONS
- SECTION 5-310 DISCONTINUING CURRENT FOR FAILURE TO COMPLY WITH CHAPTER
- SECTION 5-311 OFFICE OF ELECTRICAL INSPECTOR

ARTICLE 4

MECHANICAL CODE

- SECTION 5-401 ADOPTION OF INTERNATIONAL MECHANICAL CODE
- SECTION 5-402 DEFINITIONS
- SECTION 5-403 REGISTRATION REQUIRED
- SECTION 5-404 MECHANICAL PERMITS AND INSPECTIONS
- SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR

ARTICLE 5

LIQUEFIED PETROLEUM GAS

- SECTION 5-501 CODE ADOPTED
- SECTION 5-502 STANDARDS FOR USE AND INSTALLATION OF LIQUEFIED PETROLEUM GAS EQUIPMENT
- SECTION 5-503 RESERVED
- SECTION 5-504 PARKING OF LPG TRUCKS PROHIBITED; EXCEPTION

ARTICLE 6

FUEL CODE

- SECTION 5-601 INTERNATIONAL FUEL CODE ADOPTED

ARTICLE 7

RESIDENTIAL CODE

- SECTION 5-701 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

ARTICLE 8

FAIR HOUSING

ARTICLE 9

TRAILER PARKS AND MOBILE HOMES

- SECTION 5-901 TRAILER, MOBILE HOME, AUTOMOBILE TRAILER OR TRAILER COACH DEFINED.
- SECTION 5-902 DEFINITIONS.
- SECTION 5-903 RESERVED
- SECTION 5-904 LICENSE FOR TRAILER PARK; APPLICATION AND ISSUANCE
- SECTION 5-905 ZONING OF TRAILER PARKS
- SECTION 5-906 PARK PLAN

ARTICLE 10

PENALTY AND SUSPENSION OR REVOCATION OF REGISTRATION

SECTION 5-1001 PENALTY  
SECTION 5-1002 RELIEF IN COURT  
SECTION 5-1003 SUSPENSION OR REVOCATION OF REGISTRATIONS  
ISSUED BY CITY

## CHAPTER 5: BUILDING REGULATIONS AND CODES

## ARTICLE 1

## BUILDING CODE AND REGULATIONS

SECTION 5-101 INTERNATIONAL BUILDING CODE ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Building Code, 2003 Edition, its appendices and annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Building Code for the City of Fairview, State of Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102 of this Article.

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

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

The following section of the International Building Code, 2003 Edition are hereby revised:

1. §100.1, insert the City of Fairview, State of Oklahoma.
2. §1612.3, insert the City of Fairview, State of Oklahoma.
3. §1612.3, insert January 1, 2006.
4. §3410.2, insert January 1, 2006.

SECTION 5-103 PENALTY.

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

SECTION 5-104 BUILDING OFFICIAL.

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

SECTION 5-105 FIRE LIMITS.

The fire limits are that part of the city designated as follows:

All of Blocks 9, 21, 36, 45, 59, 70, 84, 85, 96, 108, 118, and 126; also the West Half (W ½) of Blocks 8, 22, 35, 46, 58, 71, 97, 107, and 119; also the East Half (E ½) of the South Half (S ½) of Block 71; and also the East Half (E ½) of Block 97.

SECTION 5-106 PERMITS REQUIRED; FEE.

A. Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the zoning officer and obtain the required permit.

B. Exemptions. A permit shall not be required when exempted as provided by Section 105 of the International Building Code 2003.

C. Fee. The fee for any permit shall be a minimum of \$10.00 plus \$1.00 per Thousand Dollars (\$1000.00) of the estimated construction, alteration or installation cost; provided however, no permit shall exceed \$100.00.

D. A person desiring a permit shall submit an application therefor to the building official. The applicant shall submit with the application such reasonable information as the building official may require to enable the building official to determine whether granting the permit would be in accordance with the requirements of the ordinances of the city.

E. If the application is in accordance with the requirements of the ordinances and laws, the building official shall issue the permit upon the payment by the applicant of the permit fee as set forth in Section 5-106C to the City Clerk.

SECTION 5-107 NUMBERING OF BUILDINGS.

(Reserved for future use.)

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

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

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

SECTION 5-109 INTERNATIONAL PROPERTY MAINTENANCE CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Property Maintenance Code, 2003

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

Section 101.1, insert the City of Fairview, Oklahoma

Section 103.5, insert a schedule of fees on file in the office of the City Clerk or contained in the Fairview Municipal Code, 2005.

Section 304.14, insert from April 1 to September 30

Section 602.3, insert from November 1 through March 31

Section 602.4, insert from November 1 through March 31

SECTION 5-110 INTERNATIONAL EXISTING BUILDING CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Existing Building Code, 2003 Edition, but not to include the Appendix Chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Code for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City Clerk of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the following additions, insertions, deletions and changes:

Section 101.1, insert the City of Fairview, Oklahoma

Section 1201.2, insert January 1, 2006.

SECTION 5-111 OUTDOOR PRIVATE SWIMMING POOLS

A. An outdoor private swimming pool, including an in-ground, above ground or on-ground pool, 18 inches or taller, shall comply with the following:

1. The top of the fence shall be at least 48 inches above the finished ground level.

2. Fences must be composed of acceptable fencing material.

3. Enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the fence.

4. All fences must be approved by the code enforcement officer.

5. Spas and/or hot tubs shall be enclosed or equipped with an approved safety cover.

ARTICLE 2

PLUMBING CODE

Section 5-201 INTERNATIONAL PLUMBING CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Plumbing Code, 2003 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Fairview, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Clerk of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes as set out in Section 5-202.

Section 5-202 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PLUMBING CODE, 2003

The following sections contained in the International Plumbing Code, 2003, are hereby revised:

Section 101.1, insert the City of Fairview, Oklahoma

Section 106.6.2, insert as provided by resolution of the City or as provided in the Fairview Municipal Code, 2005.

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

Section 108.4, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005.

Section 108.5, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005

Section 305.6.1, insert 18"

Section 904.1, insert 12"

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

SECTION 5-203 PLUMBERS; REGISTRATION.

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

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

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

D. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the Mayor and City Council.

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

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

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

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

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

SECTION 5-204 PLUMBING, PERMITS AND INSPECTIONS.

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

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

C. The permit inspection fee for plumbing shall be as set forth in Chapter 18. Such payment will be made upon application.

No work may be commenced prior to payment of the fee. The permit fee shall also cover the cost of inspection.

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

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

A. The plumbing inspector shall be appointed by the City Manager.

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

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

ARTICLE 3

ELECTRICAL CODE

SECTION 5-301 DEFINITIONS.

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

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

SECTION 5-302 NATIONAL ELECTRICAL CODE.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the National Electrical Code 2002 as approved by the National Board of Fire Underwriters shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC.

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

SECTION 5-304 CITY COUNCIL MAY MAKE SPECIAL RULINGS.

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

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

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

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

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

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

SECTION 5-306 INSPECTION FEE.

The permit fee shall cover the cost of inspection. If the electrical inspector is called in to inspect and upon arrival the

job is not ready for inspection, a fee as set by the Council shall be charged for the call, over and above any permit fee.

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

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

B. The fee for a registration certificate, and any renewal, to be paid to the City Clerk, shall be as set by the City Council.

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

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

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

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

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

SECTION 5-308 COMPLIANCE WITH REGULATIONS.

All electrical construction and all materials, appliances, motors, heating devices and apparatus used in connection with electrical work and the operation of all electrical apparatus within the City limits shall conform to the rules and requirements of the code adopted by this chapter. The electrical inspector shall have the responsibility and authority for making interpretations of the provisions of such code, for deciding upon the approval of equipment, materials and construction and for granting the special permission contemplated in a number of provision of such code, and the electrical inspector, where necessary, shall follow the code procedure for securing official interpretations of such code. In cases of necessity, the electrical inspector may require larger size wire, more branch circuits and better types of equipment than the minimum specified in the National Electrical Code.

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

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

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

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

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

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

SECTION 5-311 OFFICE OF ELECTRICAL INSPECTOR.

A. There is created the office of City electrical inspector. Such inspector shall be appointed by the City Manager.

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

ARTICLE 4

MECHANICAL CODE

SECTION 5-401 INTERNATIONAL MECHANICAL CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Mechanical Code, 2003 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Fairview, State of Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City Clerk of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1, insert the City of Fairview, Oklahoma

Section 106.6.2, insert as provided by resolution of the City or as provided in the Fairview Municipal Code, 2005.

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

Section 108.4, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005

Section 108.5, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005

SECTION 5-402 DEFINITIONS.

Words and phrases in this chapter shall be as defined in the State Mechanical Licensing Act, Section 1850.1 et seq. of Title 59 of the Oklahoma Statutes, or as such sections may be hereinafter amended.

SECTION 5-403 REGISTRATION REQUIRED.

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

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

C. An applicant for mechanical contractor's registration shall also furnish bond in such sum and such conditions as set by the Mayor and City Council.

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

E. The fee for registration shall be as set forth by the City Council by motion or resolution.

F. The City Council, upon notice and adequate opportunity for a public hearing, may revoke the City registration of any

mechanical contractor or journeyman mechanical contractor for violating any provisions of the ordinances or regulations of the City relating to the installation of mechanical or for any other reason specified in the state mechanical license law.

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

SECTION 5-404 MECHANICAL PERMITS AND INSPECTIONS.

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

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

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

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

SECTION 5-405 OFFICE OF MECHANICAL INSPECTOR.

A. There is created the office of City mechanical inspector. Such inspector shall be appointed by City Manager.

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

ARTICLE 5

LIQUEFIED PETROLEUM GAS

SECTION 5-501 CODE ADOPTED.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied

petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this City. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the City and shall be punished accordingly.

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

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

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

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

SECTION 5-503 RESERVED

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

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

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

ARTICLE 6

GAS PIPING CODE

Section 5-601 INTERNATIONAL FUEL GAS CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Fuel Gas Code, 2003 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Fairview, State of Oklahoma, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City Clerk

of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1, insert the City of Fairview, Oklahoma

Section 106.5.2, insert as provided by resolution of the City or as provided in the Fairview Municipal Code, 2005.

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

Section 108.4, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005

Section 108.5, insert as provided by Section 1-108 of the Fairview Municipal Code, 2005

## ARTICLE 7

### HOUSING CODE

#### SECTION 5-701 INTERNATIONAL RESIDENTIAL CODE 2003 ADOPTED.

That a certain document is on file in the Office of the City Clerk of the City of Fairview, Oklahoma, being marked and designated as the International Residential Code, 2003 Edition, including all appendix chapters, together with any annual amendments thereof, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Fairview, State of Oklahoma, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (City houses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Clerk of the City of Fairview, Oklahoma, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section R101.1, insert the City of Fairview, Oklahoma

Section P2603.6.1, insert 18"

Section P3103.1, insert 12"

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

ARTICLE 8

FAIR HOUSING

SECTION 5-801 PURPOSES.

The general purposes of this article are:

1. To secure for all people equal access to housing in all neighborhoods; and
2. To preserve the public safety, health and welfare.

SECTION 5-802 ACTS PROHIBITED.

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

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

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

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

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

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

SECTION 5-803 EXEMPTIONS.

The following shall not apply:

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

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

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

SECTION 5-804 FAIR HOUSING BOARD CREATED.

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

SECTION 5-805 PROCEDURE.

A. Any person aggrieved by discriminatory practice prohibited by this article, may file with the fair housing board, a complaint in writing, under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions

of this article, and shall further set forth the particulars of the violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within that time, shall be considered a waiver of the application of this article. The board may issue a complaint on its own initiative, at any time it is within the knowledge of the board that a person has violated any of the provisions of this article.

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

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

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

govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

SECTION 5-806 NOTICES.

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

ARTICLE 9

TRAILER PARKS AND MOBILE HOMES

SECTION 5-901 TRAILER, MOBILE HOME, AUTOMOBILE TRAILER OR TRAILER COACH DEFINED.

A trailer, mobile home, automobile trailer or trailer coach mean any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own power or other motor power, excepting a device used exclusively upon stationary rails or tracks.

SECTION 5-902 DEFINITIONS.

As used herein:

1. "Camper" means a vehicle or structure designed or manufactured to be used as a camper trailer for camping purposes and which is used for such purposes not less than four (4) times each year. In case of dispute, a city council shall on proper application make a determination of such vehicle or structure alleged to be a trailer.

2. "Trailer Park" means any park, trailer park, trailer court, camp, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for not less than five (5) trailers or mobile homes and upon which any trailer or mobile homes are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer park and its facilities or not. Trailer park shall not

include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale; and

3. "Unit" means a section of ground in a trailer park of not less than three thousand (3,000) square feet of unoccupied space in an area designed as the location for only one automobile and one trailer.

SECTION 5-903 LOCATION OUTSIDE PARKS.

It shall be unlawful and an offense within the city limits to park any trailer or mobile home on any street, alley, or highway, or other public place, or on any tract of land owned by any person occupied, except as follows:

1. Emergency or temporary stopping is permitted in any street, alley or highway for no longer than one hour subject to any other or further prohibition, regulations or ordinances for that street, alley or highway;

2. Trailers or mobile homes may be parked on Zone I-2 industrial property only when the same is used in conjunction with the business such as quarters for a night watchman, quarters for the manager or some similar type occupant of the trailer.

3. Trailers or mobile homes now parked outside of trailer parks constitute a non-conforming use and may continue to be so located. In the event that the trailer locations or mobile home locations now constituting a non-conforming use shall be vacated and remain vacant for a period of six (6) consecutive months, then new or different trailers or mobile home may not be placed on the trailer house locations.

4. The parking of one unoccupied camper in an accessory private garage building or in a rear yard in any district is permitted, provided no living quarters shall be maintained or any business practiced in the trailer which such trailer is so parked or stored.

5. All trailers or mobile homes not located in licensed trailer parks shall be serviced by the city for electrical service and each trailer or mobile home shall be individually metered.

SECTION 5-904 LICENSE FOR TRAILER PARK; APPLICATION AND ISSUANCE

A. It shall be unlawful for any person to establish, operate, maintain or permit to be established, operated, maintained or permitted upon any property owned or controlled by such person, a trailer park within the corporate limits of the city without first having secured a license from the city clerk, granted and existing in compliance with the terms of this Article. Such license shall expire one year from the date of the issuance but may be renewed under the provisions of this Article for additional periods of one year.

B. The application for such license, or the renewal thereof, shall be filed with the city clerk attached to a plot plan and shall be accompanied by a fee of One Dollar for each unit in the existing or proposed park.

C. Licenses issued under the terms of this Article convey no right to erect any building or to do any plumbing or electrical work.

SECTION 5-905 ZONING OF TRAILER PARKS

No trailer park shall be located in the city unless it complies with the recognized setback line for the zoning district in which such trailer park is located, provided no trailer shall be placed less than ten (10) feet from any building.

SECTION 5-906 PARK PLAN

Requirements for a trailer park are as follows:

1. Every trailer shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

2. Units shall be clearly designed and the park so arranged that all units shall face or abut on a driveway of not less than sixteen feet in width, giving easy access to the public street. Such driveway shall be hard surfaced, and maintained in good condition, having a natural drainage into a city street catch basin, be well lighted at night, and shall not be obstructed.

3. Every trailer unit shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty amperes capacity, and a heavy duty outlet receptacle.

4. Trailer coach spaces shall be provided consisting of a minimum of three thousand (3000) square feet for each space which shall be at least twenty-five wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall not be less than ten (10) foot clearance between trailers.

5. An adequate supply of city water, furnished through a pipe distribution system connected directly with the city water main, shall be furnished for drinking and domestic purposes.

6. All waste water shall be piped into the sewer system extended from and connected to the city sewer system. Each faucet site shall be equipped with facilities for drainage of waste and excess water into the sewer. In no case shall any waste water or sewage be thrown or discharged upon the surface of the ground or disposed of by means other than as herein provided.

7. Every trailer shall be provided and equipped with garbage depositories from which the contents shall be removed by the solid waste collection service.

#### ARTICLE 10

#### PENALTY

#### SECTION 5-1001 PENALTY.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and is punishable as such.

#### SECTION 5-1002 RELIEF IN COURTS.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the City to apply to the proper courts of the state for a mandamus, injunction or other appropriate action

against such person, firm or corporation that violates any provision of this chapter.

SECTION 5-1003 SUSPENSION OR REVOCATION OF REGISTRATIONS ISSUED BY City.

A. The Mayor and Council may suspend or revoke any plumbing, electrical, mechanical or other registration issued pursuant to this Chapter, if it finds that the holder has:

1. Made a material misstatement in the application for any registration or renewal thereof;
2. Loaned or illegally used his registration;
3. Violated any provision of this code; or
4. Committed any act specified in this code as grounds for suspension or revocation of any registration.

B. Complaints against any person registered pursuant to this chapter shall be filed with the City Clerk and thereafter investigated by the appropriate City department head, or his designee. All complaints shall be in writing, signed and duly verified; provided however, this procedure shall not be exclusive and shall not preclude the filing of a complaint in the municipal court.

C. The person against whom the complaint is signed shall be entitled to a public hearing before the Mayor and Council. Within ten (10) days after the filing of a written complaint, the appropriate City department head shall serve written notice of the complaint upon the registered person. The notice shall be served personally or by certified mail (return receipt requested). If the notice is served personally it must be served at least ten (10) days prior to the scheduled hearing. If the notice is served by mail it must be postmarked at least ten (10) days prior to any scheduled hearing. The notice shall include:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of this code and rules involved;

4. A copy of the complaint;

5. A statement that the accused has a right to a public hearing in his defense at which time he may respond to the allegation in the complaint by his testimony, the testimony of witnesses or other admissible evidence;

6. A statement that the individual has a right to be represented by legal counsel and a right to confront his accusers; and

7. A statement that based upon the evidence presented at the hearing, the Mayor and Council shall decide to either dismiss the complaint or recommend the suspension or revocation of the registration.

D. All writings or documents admitted into evidence shall become a part of the record of the proceedings. A party or members of the board may conduct direct and cross examinations required for a full and true disclosure of the facts. After all evidence has been submitted, the Mayor and Council shall vote to either dismiss the complaint or suspend or revoke the registration. A suspension shall include a recommendation for a time period during which the registration is to be suspended; provided however, that a registration cannot be suspended for a period of time exceeding six (6) months.

page left intentionally blank

## CHAPTER 6. COURT

## ARTICLE 1

## MUNICIPAL COURT

|               |   |
|---------------|---|
| Section 6-101 | ORGANIZATION OF MUNICIPAL COURT   |
| Section 6-102 | DEFINITIONS   |
| Section 6-103 | JURISDICTION OF COURT   |
| Section 6-104 | JUDGE; QUALIFICATIONS   |
| Section 6-105 | TERM OF JUDGE   |
| Section 6-106 | ALTERNATE JUDGE   |
| Section 6-107 | APPOINTMENT AND COMPENSATION TO JUDGES  |
| Section 6-108 | DISQUALIFICATION OF JUDGE   |
| Section 6-109 | PROCEDURE-JUDICIAL NOTICE OF STATUTES AND<br>ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST<br>WARRANTS |
| Section 6-110 | MUNICIPAL COURT CLERK   |
| Section 6-111 | MUNICIPAL ATTORNEY AS PROSECUTOR  |
| Section 6-112 | BOND OF CLERK   |
| Section 6-113 | RULES OF COURT  |
| Section 6-114 | ENFORCEMENT OF RULES  |
| Section 6-115 | PROSECUTIONS BY VERIFIED COMPLAINT  |
| Section 6-116 | CREATION OF TRAFFIC VIOLATIONS BUREAU   |
| Section 6-117 | TRAFFIC BAIL BOND PROCEDURES  |
| Section 6-118 | EXCEPTIONS TO BAIL BOND PROCEDURE   |
| Section 6-119 | DISHONORED CHECKS OR INSTRUMENTS, WARRANTS  |
| Section 6-120 | ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS  |
| Section 6-121 | SUMMONS FOR ARREST  |
| Section 6-122 | FORM OF ARREST WARRANT  |
| Section 6-123 | PROCEDURES FOR BAIL OR BOND   |
| Section 6-124 | ARRAIGNMENT AND PLEADINGS BY DEFENDANT  |
| Section 6-125 | TRIALS AND JUDGMENTS  |
| Section 6-126 | WITNESS FEES  |
| Section 6-127 | SENTENCING  |
| Section 6-128 | IMPRISONMENT, WORK BY PRISONERS   |
| Section 6-129 | COSTS   |
| Section 6-130 | PENALTY ASSESSMENTS   |
| Section 6-131 | ISSUANCE OF SUMMONS AND WARRANT   |
| Section 6-132 | SECURITY FOR COSTS BEFORE COMMENCEMENT OF<br>PROSECUTION  |
| Section 6-133 | MALICIOUS PROSECUTION; COSTS  |
| Section 6-134 | FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR   |
| Section 6-135 | DISPOSITION AND RECORDS   |
| Section 6-136 | COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE<br>TO PERFORM  |

12/1/2005 version

Section 6-137 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO  
PERFORM

CHAPTER 6. COURT

ARTICLE 1

MUNICIPAL COURT

Section 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court not of record of the City of Fairview Oklahoma, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinances of this City, the provisions of this chapter shall control.

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Section 27-101 to 27-132.

Section 6-102 DEFINITIONS.

As used in this chapter, unless the context required a different meaning, the following words shall have the meanings ascribed to them in this Section:

1. "Chief of police" means the peace officer in charge of the police force of the municipality;

2. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;

3. "Court" means the municipal court of the City of Fairview;

4. "Governing body" means the City Council for the City of Fairview;

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

6. "Municipality" or "this municipality" means the City of Fairview, Oklahoma; and

7. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this municipality is situated.

Section 6-103 JURISDICTION OF COURT.

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

Section 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. A judge may be an attorney licensed to practice law in Oklahoma or a resident of this municipality, of the age of twenty-one (21) years or older, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but the judge shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. The judge must be a resident of this county or maintain a law office therein. The judge may serve as judge of other municipal courts, if such service may be accomplished consistently with his/her duties as judge of this court, with the consent of the Mayor and Council.

Section 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years expiring on the 1<sup>st</sup> day of June of each odd-numbered year and until a successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term.

Section 6-106 ALTERNATE JUDGE.

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications required of the judge in this chapter. The alternate judge's appointment shall be for the same term and made in the same manner as the judge. The alternate judge shall sit as acting judge of the court in any case if the judge is:

1. Absent from the court;

2. Unable to act as judge; or
3. Disqualified from acting as judge in the case.

Section 6-107 APPOINTMENT AND COMPENSATION TO JUDGES.

A. Judges and alternative judges shall be appointed by the Mayor with the consent of the governing body.

B. All judges shall receive compensation as set by the governing body by motion or resolution.

Section 6-108 DISQUALIFICATION OF JUDGE.

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify disqualification or may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate judge appointed as provided in this chapter.

Section 6-109 PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS.

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the City in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the City, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the City or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars (\$20.00).

Section 6-110 MUNICIPAL COURT CLERK.

The municipal court clerk and/or deputy shall be appointed by the City Manager of the City, and shall be independent of the municipal police and judicial department. The clerk of the court shall:

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

2. Administer oaths required in judicial or other proceedings before the court;

3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;

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

5. Receive and give receipt for and disburse or deliver to the municipal treasurer or to other City personnel all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

Section 6-111 MUNICIPAL ATTORNEY AS PROSECUTOR.

The municipal attorney of the City may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court.

Section 6-112 BOND OF CLERK.

The court clerk of the court shall give bond in the amount as set by the Mayor and City Council, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

Section 6-113 RULES OF COURT.

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

Section 6-114 ENFORCEMENT OF RULES.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed while holding court, or committed

against process issued by any authorized person, in the same manner and to the same extent as the district courts of this state.

Section 6-115 PROSECUTIONS BY VERIFIED COMPLAINT.

A. All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The City of Fairview vs. \_\_\_\_\_ (naming the person charged.)"

B. The information shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing office, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

SECTION 6-116 TRAFFIC VIOLATIONS BUREAU CREATED; PAYMENT OF FINES; FINES IN LIEU OF APPEARANCE

A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the traffic ordinances of this

city, other than a second offense within a twelve-month period, a driver's license offense or an offense punishable by more than One Hundred Dollars (\$100.00), may elect to pay a fine in the violations bureau according to a schedule of fines prescribed from time to time by the judge with approval of the city council. In the event the defendant elects to pay the fine as hereinbefore provided, but fails to enter a plea to the charge, the payment of such fine shall constitute a no contest plea or bond forfeiture, at the discretion of the court clerk, and such finding shall be entered into the court records. The payment shall constitute a final determination of the cause against the defendant.

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

Section 6-117 TRAFFIC BAIL BOND PROCEDURES.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States which is a participant of the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

- d. Eluding or attempting to elude a law enforcement officer;
- e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on person recognizance as provided for in subsection A of this Section, then the arresting officer shall:

1. Designate the traffic charge;
2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the assigned's promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's drivers license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection D of this Section. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required by the City or as provided in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

E. If, pursuant to the provisions of subsection D of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

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

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

4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

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

2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this Section or if released, was not permitted to remain on such personal recognizance for arraignment;

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

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

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if defendant personally appears, or shall make such proof by first class mail, postage prepaid, to the defendant at the address noted on the

citation or as such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

Section 6-118 EXCEPTIONS TO BAIL BOND PROCEDURE.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 6-117, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to Section 27-118 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 6-117 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this Section, but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this Section; or

2. Place any other traffic offender into custody:

a. Who is injured, disabled, or otherwise incapacitated;

- b. If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or
- c. If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

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

Section 6-119 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified.

Section 6-120 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which Section 6-117 does not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

1. That the person may cause injury to himself or others or damage to property if released;
2. That the person will not appear in response to the citation; or
3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being

permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this Section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

Section 6-121 SUMMONS FOR ARREST.

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place or residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

Section 6-122 FORM OF ARREST WARRANT.

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

The City of Fairview to the Police Chief of Fairview, Oklahoma

Complaint upon oath having this day been made by (naming complainant) that the offense (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above-named defendant and bring the above named (name of defendant) before me, at the municipal courtroom,

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of the Municipal Court  
Fairview, Oklahoma

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

Section 6-123 PROCEDURES FOR BAIL OR BOND.

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and be amended from time to time.

Section 6-124 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

Section 6-125 TRIALS AND JUDGMENTS.

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

B. The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

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

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

E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Twenty-five Dollars (\$25.00) of fine or as set out in Subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

Section 6-126 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees for one day of attendance for each

witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The names of no more than three (3) witnesses;
2. That the defendant, by reason of poverty, is unable to provide the fees allowed by law;
3. That the testimony of the witnesses is material; and
4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

Section 6-127 SENTENCING.

A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrative fee of not to exceed the maximum amount set by state law may be imposed as costs in the case.

Section 6-128 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

B. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one day of imprisonment under his sentence.

D. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefore.

E. Costs of Incarceration to be collected.

1. For purpose of this section, "Costs of incarceration" shall mean the costs of booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. The costs for incarceration shall be determined by the chief of police for city jails and by applicable contract provision (between the City and County) for county jails. A notice of such costs shall be provided to the defendant.

3. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The defendant shall have an opportunity to object to the

amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The court clerk shall be notified of any amount collected.

4. Costs of incarceration shall be a debt of the defendant owed to the municipality responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty. Jail fees shall not exceed Three Thousand Dollars (\$3,000.00).

F. Effective November 1, 2004, any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the City, subject to direction by the Mayor or other proper officer, at a rate per day of Twenty-five Dollars (\$25.00) per day for useful labor, until the fine or costs are satisfied.

Section 6-129 COSTS.

Costs in the amount of Twenty-five Dollars (\$25.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the City attorney. Court costs in the amount of Twenty-five Dollars (\$25.00) shall be charged and collected by the clerk of the municipal court in all cases in which the defendant pleads guilty before the traffic violations bureau.

State Law Reference: Costs, 11 O.S. Section 27-126; suspension of judgment or costs, 11 O.S. Section 27-123.

Section 6-130 PENALTY ASSESSMENTS

A. For purposes of this section, the word "convicted" shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

1. Nine Dollars (\$9.00), less 5.85% of such amount which may be retained and deposited into the City's General Fund, and with the balance paid into certain CLEET Funds as provided by 20 O.S. 1991 Section 1313.2

2. Five Dollars (\$54.00) less \$0.30 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25. Effective November 1, 2004, Five Dollars (\$5.00) less \$0.50 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to the A.F.I.S. Fund created by 74 O.S. 150.25.

3. Five Dollars (\$5.00) less \$0.25 of such amount which may be retained and deposited into the City's General Fund, and with the balance paid to as a Forensic Science Improvement Assessment.

C. In addition to the penalty assessments provided by subsection B hereinabove, any person convicted of an offense, excluding traffic offenses and parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Ten Dollars (\$10.00) to the Medical Expense Liability Revolving Fund.

D. These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law.

State Law Reference: Similar provision, 20 O.S. Section 1313.1 through 1313.3.

Section 6-131 ISSUANCE OF SUMMONS AND WARRANT.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear to answer the summons within the prescribed period, a warrant shall be issued for his arrest.

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law.

State Law Reference: Complaints, 11 O.S. Section 27-115.

Section 6-132 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.

When application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail.

Section 6-133 MALICIOUS PROSECUTION; COSTS.

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding, and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid.

Section 6-134 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR.

A. It shall be unlawful for any person to violate his written promise to appear in the municipal court given to an officer upon the issuance of any promise or notice to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. It shall be unlawful for any person to fail to appear in the municipal court pursuant to any notice to appear.

C. A written promise or notice to appear in the municipal court may be complied with by an appearance by counsel.

Section 6-135 DISPOSITION AND RECORDS.

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which City attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants.

Section 6-136 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence, provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

Section 6-137 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

page left intentionally blank

CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

GENERAL PROVISIONS

- Section 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED
- Section 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM
- Section 7-103 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS
- Section 7-104 PURCHASES, HOW MADE
- Section 7-105 PETTY CASH
- Section 7-106 PURCHASE ORDERS
- Section 7-107 STATEMENT OF NON-COLLUSION

DIVISION 2

COMPETITIVE BIDDING

- Section 7-109 PURPOSE AND EFFECT.
- Section 7-110 DEFINITIONS
- Section 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT
- Section 7-112 FAIRVIEW UTILITIES AUTHORITY, COMPETITIVE BIDDING
- Section 7-113 FORMAL CONTRACT PROCEDURE
- Section 7-114 OPEN MARKET PURCHASES - UNDER \$25,000.00
- Section 7-115 ENCUMBRANCE OF FUNDS
- Section 7-116 EMERGENCY PURCHASES
- Section 7-117 PROFESSIONAL SERVICES
- Section 7-118 SALES; MAYOR AND CITY COUNCIL TO DECLARE SURPLUS OR OBSOLETE; DISPOSAL AS DIRECTED BY THE CITY COUNCIL.
- Section 7-119 RULES AND RATE FOR RENTAL OF CITY AUDITORIUM

ARTICLE 2

SALES TAX

- Section 7-201 CITATION AND CODIFICATION
- Section 7-202 DEFINITIONS
- Section 7-203 TAX COLLECTOR DEFINED
- Section 7-204 CLASSIFICATION OF TAXPAYERS
- Section 7-205 SUBSISTING STATE PERMITS
- Section 7-206 PURPOSE OF REVENUES

Section 7-207 TAX IMPOSED; AMOUNT  
Section 7-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX  
Section 7-209 RESERVED  
Section 7-210 TAX DUE WHEN; RETURNS; RECORDS  
Section 7-211 PAYMENT OF TAX; BRACKETS  
Section 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES  
Section 7-213 SAME-GENERALLY  
Section 7-214 SAME-MANUFACTURERS  
Section 7-215 SAME-AGRICULTURE  
Section 7-216 RESERVED  
Section 7-217 TAX CONSTITUTES DEBT  
Section 7-218 VENDOR'S DUTY TO COLLECT TAX; PENALTIES  
Section 7-219 RETURNS AND REMITTANCES; DISCOUNTS  
Section 7-220 INTEREST AND PENALTIES; DELINQUENCY  
Section 7-221 WAIVER OF INTEREST AND PENALTY  
Section 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND  
Section 7-223 FRAUDULENT RETURNS  
Section 7-224 RECORDS CONFIDENTIAL  
Section 7-225 AMENDMENTS  
Section 7-226 PROVISIONS CUMULATIVE

ARTICLE 3

UTILITIES TAX

SECTION 7-301 FEE LEVIED; APPLICATION  
SECTION 7-302 TAX IS IN LIEU OF OTHER TAXES  
SECTION 7-303 PAYMENT OF TAX  
SECTION 7-304 FAILURE TO PAY; ACTION FOR COLLECTION  
SECTION 7-305 TAX LIEN

ARTICLE 4

CABLE FRANCHISE

SECTION 7-401 CABLE TV FRANCHISE GRANTED

ARTICLE 5

RESERVED

ARTICLE 6

FAIRVIEW HOTEL TAX

SECTION 7-601 SHORT TITLE  
SECTION 7-602 DEFINITIONS

SECTION 7-603 LEVIED; RATE  
 SECTION 7-604 EXEMPTIONS  
 SECTION 7-605 CERTIFICATE OF EXEMPTION  
 SECTION 7-606 TAX TO BE SEPARATELY DESIGNATED ON BILLS  
 SECTION 7-607 OPERATOR RESPONSIBLE FOR COLLECTION  
 SECTION 7-608 RECORDS TO BE KEPT  
 SECTION 7-609 RETURNS  
 SECTION 7-610 PAYMENT OF TAX  
 SECTION 7-611 ASSESSMENT AND DETERMINATION OF TAX  
 SECTION 7-612 REFUNDS  
 SECTION 7-613 NOTICES  
 SECTION 7-614 REMEDIES EXCLUSIVE  
 SECTION 7-615 GENERAL POWERS OF DIRECTOR  
 SECTION 7-616 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY  
 SECTION 7-617 CERTIFICATES OF REGISTRATION  
 SECTION 7-618 INTEREST  
 SECTION 7-619 DELINQUENT TAXES  
 SECTION 7-620 DISCOUNT  
 SECTION 7-621 RECORDS CONFIDENTIAL  
 SECTION 7-622 FRAUDULENT RETURNS  
 SECTION 7-623 AMENDMENTS  
 SECTION 7-624 USE OF FUNDS  
 SECTION 7-625 PROVISIONS CUMULATIVE

## ARTICLE 7

## USE TAX

SECTION 7-701 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF  
 INTANGIBLE, PERSONAL PROPERTY LEVIED.  
 SECTION 7-702 EXEMPTIONS  
 SECTION 7-703 TIME WHEN DUE, RETURNS, PAYMENT  
 SECTION 7-704 TAX CONSTITUTES DEBT  
 SECTION 7-705 COLLECTION OF TAX BY RETAILER OR VENDOR  
 SECTION 7-706 COLLECTION OF TAX BY RETAILER OR VENDOR NOT  
 MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR  
 BOTH WITHIN AND WITHOUT STATE; PERMITS  
 SECTION 7-707 REVOKING PERMITS  
 SECTION 7-708 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR  
 RETAILERS OF OTHER STATES  
 SECTION 7-709 INTEREST AND PENALTIES; DELINQUENCY  
 SECTION 7-710 WAIVER OF INTEREST AND PENALTIES  
 SECTION 7-711 ERRONEOUS PAYMENTS; CLAIM FOR REFUND  
 SECTION 7-712 FRAUDULENT RETURNS  
 SECTION 7-713 RECORDS CONFIDENTIAL  
 SECTION 7-714 PROVISIONS CUMULATIVE  
 SECTION 7-715 PROVISIONS SEVERABLE

SECTION 7-716 DEFINITIONS  
SECTION 7-717 TAX COLLECTOR DEFINED  
SECTION 7-718 CLASSIFICATION OF TAXPAYERS  
SECTION 7-719 SUBSISTING STATE PERMITS  
SECTION 7-720 PURPOSES OF REVENUES

ARTICLE 8

TELEPHONE EXCHANGE FEE

DIVISION 1

TELEPHONE EXCHANGE FEE

Section 7-801 FEE LEVIED ON TELEPHONE EXCHANGES  
Section 7-802 FEE TO BE IN LIEU OF OTHER FEES, TAXES

CHAPTER 7: FINANCE AND TAXATION

ARTICLE 1

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

General Provisions

Section 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.

All banks which are incorporated under federal or state law, and other institutions approved by the Mayor and council, may be designated as depositories for the funds of the city. The city treasurer shall deposit daily all public funds received by him in such banks.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S. Section 12-110.

Section 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

The deposits of the city shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, 62 O.S. Sections 516.1 et seq.

Section 7-103 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS-EMPLOYEES OF FINANCIAL INSTITUTION

A. Except as otherwise provided by this Section, no city officer or employee, or any business in which the officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the city;
2. Contracting with the city; or
3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the City.

B. For purposes of this Section, "employee" means any person who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters

into, recommends or participates in the decision to enter into any transaction described in subsection A of this Section. Any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of the person, or any business in which the person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless the surplus property is offered for sale to the public after notice of the sale is published.

C. For purposes of this Section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any interest held by a blind trust.

D. Any person convicted of violating the provisions of this Section shall be guilty of an offense. Any transaction entered into in violation of the provisions of this Section is void. Any member of a governing body who approves any transaction in violation of the provisions of this Section shall be held personally liable for the amount of the transaction.

E. Notwithstanding the provisions of this Section, any officer, director or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which they are associated and the public body in which they serve.

Section 7-104 PURCHASES, HOW MADE.

All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the city government, shall be made by city purchasing officer in accordance with purchase authorizations issued by the officer.

Section 7-105 PETTY CASH.

A. Purpose. Petty Cash purchases may be used for immediate and necessary purchases.

B. Authority and Responsibilities.

1. Creation - Petty Cash Fund in the maximum amount of Two Thousand Dollars (\$2,000.00) is hereby created.

2. The City Clerk or her designee shall maintain the petty cash fund. The City Clerk's responsibilities or his designee are defined as follows:

- a. To provide adequate security and storage of cash and receipts;
- b. To allow only authorized expenditures;
- c. To take only itemized receipts for each expenditure; and
- d. To request replenishment by payment from the appropriate funds as necessary but no less than monthly.

3. Delegation of Responsibilities - The City Clerk may assign portions of the petty cash fund to user departments under such terms and conditions as may be necessitated.

C. Instructions for Use. Petty Cash shall be used consistent with the regulations listed below:

1. Each expenditure shall not exceed \$100.00 without prior approval of the City Clerk or her designee.

2. No personal checks shall be cashed.

3. The department must first complete a requisition and deliver it to the City Clerk who will encumber the funds and issue a purchase order. Generally, all transactions must be completed by the end of the business day except for travel advances. The City Clerk will file for all claims except for travel claims to reimburse the petty cash fund. Failure to file for travel claims in a timely manner will result in future denials of petty cash usage.

4. Periodic cash counts and audits shall be made by the City Clerk or his designee.

D. Replenishment. The Petty Cash fund shall be replenished monthly. The City Clerk shall file for all claims not attributable to a particular department. Invoices, tickets and other documentation etc. shall be attached to the claim and itemized.

Section 7-106 PURCHASE ORDERS.

A. All officers and employees having authority to purchase or contract against all budget appropriation accounts as authorized by law shall submit all purchase orders and contracts prior to the time the commitment is made, to the City Clerk, who shall, if there be an unencumbered balance in the appropriation made for that purpose, so certify in the following form:

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this

encumbrance is within the authorized available balance of said appropriation.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Encumbering Officer or Clerk of the City of Fairview.

Provided, in instances where it is impossible to ascertain the exact amount of expenditures to be made at the time of recording the encumbrance, an estimated amount may be used and the encumbrance made in like manner as set forth above. Provided, no purchase order or contract shall be valid unless signed and approved by the purchasing officer and certified as above set forth by the officer or clerk charged with keeping the appropriation and expenditure records. The clerk or encumbering officer shall retain and file one copy of the purchase order.

B. After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice. Such invoice shall state the supplier's name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, its total price, the total of the purchase and the date of the purchase. The appropriate municipal officer shall attach the itemize invoice together with delivery tickets, freight tickets or other supporting information to the original of the purchase order and, after approving and signing said original copy of the purchase order shall submit the invoices, the purchase order and other supporting data for consideration for payment by the governing board. All invoices submitted shall be examined by the governing board to determine their legality. The governing board shall approve such invoices for payment in the amount the board determines just and correct.

C. The City Manager authorized to make certain payments without prior governing body approval. In addition to the authority provided hereinabove, the City Manager is hereby authorized to approve payments of invoices without prior council approval, including but not limited to those times necessary to avoid late payment penalties, provide for payment of C.O.D.'s, emergency purchases, to take advantage of discounts, to attend and bid at private or public auctions, or pursuant to any provision in any contract which has heretofore been approved by the City Council. Except for emergency purchases, no payments made pursuant to this Section shall exceed the expenditure classification of the respective department as approved in the current budget. Such payments shall be placed on the next regularly scheduled council meeting under the category of Prepaid Invoices or Payments.

D. All payments made pursuant to this Section shall be approved and executed by the Mayor, the City Clerk or deputy



terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required in subsection A of this Section.

C. In lieu of the affidavit required in subsection A of this Section, the following procedures may be used:

1. A purchase order issued by the City shall require the signature of the vendor and include a notice to the vendor that the vendor's submission of the signed invoice or acceptance of payment pursuant to the purchase constitutes a statement by the vendor that:

- a. the invoice or claim is true and correct;
- b. the work, services or materials as shown by the invoice or claim have been completed or supplied in accordance with the plans, specifications, orders or requests furnished the vendor; and
- c. the vendor has made no payment, directly or indirectly, to any elected official, officer or employee of this state or any county or local subdivision of the state, of money or any other thing of value to obtain payment;

2. Any vendor who submits the signed invoice or accepts payment pursuant to a purchase order containing the notice provided for in paragraph 1 of this subsection shall be deemed to adopt and affirm the statement contained in the notice unless the vendor states on the invoice that the statement is incorrect in whole or in part; and

3. The City may recover from the vendor the full amount paid pursuant to the purchase order if the statement adopted and affirmed by the vendor is false.

## DIVISION 2

### COMPETITIVE BIDDING

#### Section 7-109 PURPOSE AND EFFECT.

The primary purpose of Division 2 of this Article is to codify in the Fairview Municipal Code, 2005, the essential statutory requirements of the Competitive Bidding Act of 1974 (Title 61, Section 101 et seq. of the Oklahoma Statutes) and the essential requirements of the Title 60, Section 1076 H, known as competitive bidding requirements of the "Public Trust Law." A secondary but equally important purpose of this Division is to establish local competitive bidding procedures, which procedures are guidelines,

but not requirements, to be considered for use during those times that neither the Competitive Bidding Act of 1974 nor any other state law requires competitive bidding. In that state law does not require municipalities to competitively bid professional services or the purchase of equipment, materials and supplies, in order to "fill the gap" and thereby reduce the potential for improprieties, these local competitive bidding procedures are adopted. Since such local competitive bidding procedures are merely guidelines. In addition, since these local competitive bidding procedures are discretionary and not mandatory, no resident, competing vendor or seller, or any other person, firm or corporation, may secure a temporary restraining order, injunction (temporary or permanent), or sue for damages, costs, or attorney fees, based on the Mayor and/or City Council's action with respect to local competitive bidding, or any other failure to follow the procedure contained herein, unless such person proves that a violation of federal or state law has occurred.

#### Section 7-110 DEFINITIONS

For the purposes of this Division, the following terms, phrases, words and their derivations shall have the meaning given herein:

A. "City" means this city and means the city government in all its forms, including not only the city departments but also any agency, the city council, or other persons or entities acting for or on behalf of the city but shall not include any public trust authority with the City of Fairview as sole beneficiary. Provided however, with respect to only Section 7-111, the term "City" shall be interchangeable with "public trust authority" and the term "Mayor and City Council" shall be interchangeable with "Chairman and Trustees" of the public trust authority.

B. "Contractual services" mean all non-professional services including but not limited to uniform and cleaning services; insurance; leases for all grounds, buildings, offices or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional or other contractual services which are in their nature unique and not subject to competition;

C. "Emergency" means the conditions resulting from a sudden unexpected happening or unforeseen occurrence or a condition and situation wherein the public health or safety is in endangered;

D. "Personal property" for purpose of this Division shall include but not be limited to:

1. Portable, or otherwise moveable, buildings and structures;
2. Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;
3. Roofs placed over existing roof structures; and
4. Other structures that can be disassembled after installation and removed without permanent damage to existing property.

E. "Public construction contract" or "contract" for purposes of Section 7-111 and the Public Competitive Bidding Act of 1974, as amended (hereinafter the "Act"), shall mean any contract, exceeding Twenty Five Thousand Dollars (\$25,000.00) in amount, awarded by the City or any of its public trust authorities for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance on to same, except where the improvements or buildings leased to a person or other legal entity exclusively for private and not for public use and no public tax revenues shall be expended on or for the contract unless the public tax revenues used for the project are authorized by a majority vote of the applicable public agency voting at an election held for that purpose and the public tax revenues do not exceed twenty-five percent (25%) of the total project cost. The amount of public tax dollars committed to the project will not exceed a fixed amount established by resolution of the governing body prior to or concurrent with approval of the project;

F. "Public improvement" means any beneficial or valuable change or addition, betterment, enhancement or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or adapt it to new or future purposes. The term does not include the direct purchases of materials, equipment or supplies by the City or any of its public trust authorities or personal property as defined herein.

G. "Supplies" means and includes all supplies, materials and equipment; and

H. "Using agency" means any department, board, Mayor and City Council, agency, division, Section, bureau or other unit in the city government using supplies or procuring contractual services as provided for herein and for purpose of Section 7-111, includes public trust authorities.

Section 7-111 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT.

A. Public construction contracts shall be let and awarded to the lowest responsible bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with Sections 101 to 136 of Title 61 of the Oklahoma Statutes, or as hereafter amended. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the city.

B. Department heads or third party contractors shall prepare bid specifications along with requisitions and submit same to the Mayor and City Council for their approval.

C. The City Clerk will develop a bidder's list. Bid solicitations will be made equally and uniformly known to all prospective bidders and the public:

1. Notice will be mailed twenty (20) days prior to the bid opening date to prospective bidders who have made known, in writing, to the using agency their interest in bidding within twelve (12) months immediately preceding the date of opening the bids;

2. Notice will be published in two (2) consecutive issues of a newspaper of general circulation twenty (20) days prior to the bid opening date; and

3. Notice will be sent to trade or construction publications when the estimated cost exceeds Fifty Thousand Dollars (\$50,000.00).

D. One complete set of bid documents will be kept on file in the City Clerk's office twenty (20) days prior to the bid opening date. Copies may be obtained by prospective bidders after paying a reasonable deposit as set by the Mayor.

E. A bidder on a public construction contract exceeding Twenty Five Thousand Dollars (\$25,000.00) will accompany the bid with:

1. A certified or cashier's check or bid bond or irrevocable letter of credit in an amount equal to five percent (5%) of the bid, which shall be deposited with the City as a guaranty; or

2. An irrevocable letter of credit containing terms the Department of Central Services prescribes, issued by a financial institution insured by the Federal Deposit Insurance Corporation for the benefit of the state, on behalf of the awarding public agency, in an amount equal to five percent (5%) of the bid. The

City shall deposit the irrevocable letter or credit with the Department of Central Service.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the City, be forfeited to the City in the event the apparently successful bidder fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the City.

F. A non-collusion affidavit and a business relationship affidavit shall also accompany bidder proposals.

G. Any bid received by the city or an officer and employee thereof, more than ninety-six (96) hours, excluding Saturdays, Sundays and holidays, before the time set for the opening of the bids, or any bid so received after the time set for opening of the bids, shall not be considered by the city and shall be returned unopened to the bidder submitting the same.

H. All bids shall be sealed and opened only at the time and place mentioned in the bid Section, and read aloud in the presence of an administrative officer of the City. Such bid openings shall be open to the public and to all bidders.

I. Except as otherwise provided by law, within such period of time, not to exceed sixty (60) days, as shall be specified in the bid notice by the City, a contract embodying the terms set forth in the bidding documents shall be executed by the City and the successful bidder. No bidder shall obtain any property rights in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the City.

J. Bonds, irrevocable letters of credit and insurance as provided by Section 113 of Title 61 of the Oklahoma Statutes, shall be provided by the successful bidder to the city.

K. If an award is made to other than the lowest bidder, the city shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

L. All invoices submitted for work performed shall be accompanied by a sworn certification by the architect or engineer that the work has been completed in accordance with specifications.

M. The Mayor and City Council by a majority vote may reject any and all bids and rebid the project if the public interest would be better served.

N. If no timely bid is received on any public construction contract not exceeding Fifty Thousand Dollars (\$50,000.00), the City Council may direct the Mayor to negotiate a contract with the prospective bidder. The amount of the contract which may be awarded by the governing body pursuant to this Section shall not exceed Fifty Thousand Dollars (\$50,000.00) and the work to be performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all the other applicable provisions of the Public Competitive Bidding Act of 1974.

O. The City shall return the certified or cashier's check, bid bond, or irrevocable letter of credit to the successful bidder on execution and delivery of the contract and required bonds or irrevocable letters of credit and insurance. Checks of unsuccessful bidders shall be returned at them in accordance with the terms of the bid solicitation.

P. Nothing herein shall be construed so as to prevent the City or the courts from exonerating the bidder and other parties to the bid security document from liability upon a timely showing that the bidder committed what the courts have determined under the common law to be an excisable bidding error and for that reason it would not be equitable to enforce the bid security.

Q. Change Orders.

1. Change orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

2. Change orders or addend to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

3. Change orders or cumulative change orders which exceed the limits of Subsection Q1 and Q2 of this Section shall require a re-advertising for bids on the incomplete portions of the contract.

4. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to Subsection Q1 and Q2 of this Section.

5. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of the following cost itemization, which shall be performed as follows in all other incidents.

Such change orders shall contain a unit price and a total for each of the following items:

- a. All materials with cost per item;
- b. Itemization of all labor with number of hours per operation and cost per hour;
- c. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
- d. Itemization of insurance cost, bond cost, social security, taxes, workers; compensation, employee fringe benefits and overhead cost;
- e. Profit for the contractor.

Section 7-112 FAIRVIEW UTILITIES AUTHORITY; COMPETITIVE BIDDING

In addition to the requirements provided in Section 7-111 hereinabove, Contracts for construction, labor, equipment, materials or repairs in excess of Twenty-five Thousand Dollars (\$25,000.00) shall be awarded by the public trust authorities to the lowest and best competitive bidder, pursuant to public invitation to bid, which shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in Major County; such advertisement shall also appear in the county where the work, or the major part if it is to be done, or the equipment or the materials are to be delivered, or the services to be rendered. Provided, however, should the trustee or trustees of the public trust authorities find that an immediate emergency exist, which finding shall be entered in the journal of the trust proceedings, by reason of which an immediate outlay of trust funds in an amount exceeding Twenty-five Thousand Dollars (\$25,000.00) is necessary in order to avoid loss of life, substantial damage to property or damage to the public peace or safety, then such contracts may be made and entered into without public notice or competitive bid. Notwithstanding the provisions of this subsection, equipment or materials may be purchased by a public trust directly from any contract duly awarded by this state or any state agency under the Oklahoma Central Purchasing Act, or from any contract duly awarded by a governmental entity which is the beneficiary of the public trust.

Section 7-113 FORMAL CONTRACT PROCEDURE

A. Except as provided by this Division, all expenditures for supplies, materials, equipment or contractual services, when the estimate cost thereof will exceed Twenty Five Thousand Dollars (\$25,000.00) shall be purchased by formal written contract or purchase order from the lowest secured bidder after due notice inviting proposals, except that in cases where the prices bid are higher than prices available under contract let by the State of Oklahoma or a division, branch or agency of the United States of America, the city shall exercise the option of awarding its own contract or of buying it under the terms of the state or federal contract.

B. The City Clerk shall cause to be published notice inviting bids in the daily newspaper of the city, at least once, three (3) days preceding the last day set for the receipt of proposals. The newspaper notice required herein, shall include a general description of the services required or the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

C. When deemed necessary by the City Manager, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of the surety where it has been required. The successful bidder shall forfeit any surety required upon failure on his part to enter into a contract within twenty (20) days after the award.

D. Bid opening procedures are as follows:

1. The bid shall be submitted sealed to the office of the City Clerk, and shall be identified as "bids" on the envelope;

2. Bids for supplies, materials, equipment or contractual services shall be opened by the City Clerk at the time and place stated in the public notices. Such bid opening shall be open to the public and to all bidders; and

3. A tabulation of all bids received shall be made by the City Clerk or appropriate department head, and the tabulation shall be available for public inspection in the office of the City Clerk.

E. The Mayor and City Council shall have the authority to reject all bid or parts of all bids, included in the proposed contract, when the public interest would be served thereby. The city shall not accept the bids of a contractor who is in default on the payment of taxes, license or other monies due the city.

F. Procedure for award of contracts is as follows:

1. The Mayor and City Council shall have the authority to award contracts within the purview of this Section;

2. Contracts shall be awarded to the lowest secure bidder. In determining "lowest secure bidder", in addition to price, the following factors shall be considered:

- a. The ability, capacity and skill of the bidder to perform the contract or to provide the service required;
- b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- d. The quality of performance of previous contracts for services;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to contract or service;
- g. The quality, availability and adaptability of the supplies or the contractual services to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contracts; and
- i. The number and scope of conditions attached to the bid;

3. When the award is not given to the lowest bidder, a full and complete statement of reasons for placing the order elsewhere shall be prepared by the City Clerk and shall be a public record;

4. If two (2) or more bids received are for the same total amount of unit price, quality and service being equal, the contract should be awarded to the local bidder;

5. The Mayor and City Council shall have the authority to require a performance bond, before entering into the contract, in such amount as the Mayor and City Council shall find reasonably necessary to protect the best interest of the city;

6. No contract or purchase shall be subdivided to avoid the requirements of this article;

7. If no timely bid is received after bid notices have been published on any supplies, materials, equipment or contractual services whose estimated cost Twenty Five Thousand Dollars (\$25,000.00), the Mayor and City Council may direct the City Manager to negotiate a contract with a prospective supplier or contractor; sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

Section 7-114 OPEN MARKET PURCHASES - UNDER \$25,000.00

A. Open Market Purchases. All purchases of supplies or contractual services of less than \$25,000.00 may be made in the open market without a newspaper advertisement and without observing the procedure for a formal bid award. The user department will prepare the encumbrance slip and forward same to the Purchase Order Clerk for recording request. Purchase Order Clerk will encumber the funds and issue a purchase order. No order for delivery on a contract or open market purchase shall be issued until the Department Head determines that there are unencumbered funds to the credit of the using department sufficient to pay the cost of the order. Bid award will be to the lowest secure bidder. Bid prices may be honored for 90 days from bid solicitation for additional identical items. Specifically:

1. Open market purchases equal to or greater than \$7,500 but less than \$25,000.00 shall be based upon three written quotations which will be valid for not more than 90 days. Copies of the three written quotations shall be attached to the purchase order.

2. Open market purchases equal to and greater than \$2,500 but less than \$7,500 shall be based upon three written or verbal quotations which will be valid for not more than 90 days. Copies of the three written or verbal quotations (which verbal quotations shall be reduced to writing) shall be attached to the purchase order.

3. Open market purchases below \$2500 shall be based upon an open market direct solicitation.

B. Award. Awards, for purchases requiring written or verbal quotations, in the above instances shall be to the lowest secure bidder in accordance with this Article. The City Clerk will maintain a written record of all open market bids and such records will be open to the public.

C. Payment. Upon receipt of the invoice, the Purchase Order Clerk will be notified to process payment to the vendor. Such notice will consist of receipt of copies of the encumbrance slip, purchase order, and invoice. Such clerk shall ensure that the invoices are signed and dated by the department head and verify the accuracy of the invoice. Vendor payment may be made by warrant, check or wire transfer and shall be signed as provided by city policy.

D. The City Manager shall give due consideration as to whether a contract shall be provided for any and all purchases. The City Attorney shall prepare or review the contracts.

Section 7-115 ENCUMBRANCE OF FUNDS

Except in cases of emergency or as otherwise provided herein, no officer or employee shall issue any order for delivery on a contract or purchase order until the City Clerk shall have certified that there is to the credit of the using agency concerned sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

Section 7-116 EMERGENCY PURCHASES

A. The provisions of this Division with reference to notice and bids shall not apply to an emergency that exceeds Twenty-five Thousand Dollars (\$25,000.00) if the Mayor and City Council declare by a two-thirds (2/3) majority vote of all the members of the Mayor and City Council that an emergency exists. The reasons for declaring an emergency and not complying with the provisions of this Division shall be entered into the official minutes of the Mayor and City Council.

B. The Mayor is hereby delegated the authority to declare an emergency situation in which event the provisions of this Division with reference to notice and bidding shall not apply, but such authority shall not extend to any contract exceeding Twenty-five Thousand Dollars (\$25,000.00) in amount. Whenever the Mayor shall declare such emergency, he shall notify the City Council of such action within ten (10) days. Such notification shall contain a statement of the reasons for the action, and shall be recorded in the official minutes of the City Council. In the event that an emergency is being declared by the Mayor for a contract or purchase subject to the Public Competitive Bidding Act of 1974, the Mayor shall also report such action to the State Construction Administrator of the Department of Central Services within such ten (10) day period, including a copy of the official minutes in such report.

Section 7-117 PROFESSIONAL SERVICES

A. All professional services where the estimated cost will exceed Twenty Five Thousand Dollars (\$25,000.00), the Mayor and City Council may direct that the same be purchased by formal written contract after due notice inviting proposals, from the proposer whose services are determined to be in the best interest of the city, except those services or situations specifically exempted by the Mayor and City Council.

B. Professional services shall include, but are not limited to, the following disciplines:

1. Appraisal services;
2. Architectural services;
3. Consulting services;
4. Engineering services;
5. Financial services;
6. Accounting and auditing services;
7. Health insurance services;
8. Photographic, art or marketing services; and
9. Testing and inspection services.

C. Specifications for professional services to be procured shall include:

1. Instructions to the prospective proposer specifying when, to whom and where proposals should be sent;
2. A complete technical description of the problem or work task; further the specification shall specify whether written questions can be sent to the city and whether a bidder's conference will be held to answer any questions;
3. An objective or statement of what is expected to be accomplished;
4. Scope of work or task and the extent to which the city staff will be available to assist the contractor;

- a. For submission of progress reports; and
- b. For completion of tasks;
5. Term or estimated time schedule including:
  - a. Dates for commencement or performance;
  - b. For the submission of progress reports;
  - c. For completion of tasks;
6. Selection criteria;
7. Standard contract terms and conditions; and
8. Understanding for compensation and rate for additional work authorized.

D. The Mayor and City Council shall have the right to negotiate any and all professional service contracts with the successful proposer. Such negotiation may include limiting or enlarging the scope of work, changing any terms and conditions where necessary or negotiating the compensation to be paid. The Mayor and City Council may base their selection decision on the following:

1. Experience of the proposer on similar projects;
2. The qualifications of the proposer;
3. The ability of the proposer to meet the work schedule;
4. The completeness of the project approached;
5. The geographic location of the proposer;
6. Samples of work representing quality;
7. Additional services and skills available;
8. Work space requirements or city staff support; and
9. The overall proposer's cost.

SECTION 7-118 SALES; MAYOR AND CITY COUNCIL TO DECLARE SURPLUS OR OBSOLETE; DISPOSAL AS DIRECTED BY THE CITY COUNCIL.

No surplus or obsolete supplies, materials or equipment may be sold until the Mayor and City Council shall have declared same obsolete or surplus. The Mayor and City Council may dispose of such obsolete or surplus property as they deem to be in the best interest of the town. All sales of surplus supplies, materials or equipment in excess of Twenty-five Thousand Dollars shall be based on sealed bids and awarded to the highest bidder. All sales of surplus supplies, materials or equipment less Twenty-five Thousand Dollars may be sold to any person, firm or entity without bids but must be for fair consideration.

SECTION 7-119 RULES AND RATE FOR RENTAL OF CITY AUDITORIUM

A. Rental periods for the renting of the city auditorium shall be as follows:

1. 6:0 a.m. to 12:00 noon;
2. 12:00 noon to 6:00 p.m.
3. 6:0 p.m. to 12:00 midnight.

B. The rental fees for the rental periods shall be set by the City Council by motion or resolution.

C. The following rules relative to the rental of the city auditorium shall be complied with by all persons or organizations using the facility.

1. A printed rental form will be filled out and signed by the person or the organization making the reservation.

2. The rental fee must be paid at the time the reservation is made.

3. School functions and youth meetings must be chaperoned by an adult.

4. Any damage to the equipment or building shall be replaced or repaired by the group responsible. Premises must be inspected prior to use so that they may be aware of any existing damages.

5. No one is permitted in the stage area unless it is a part of the program being presented.
6. Nothing is to be attached to the walls or curtains.
7. City officials reserve the right to refuse or cancel any reservation.

## ARTICLE 2

### SALES TAX

#### SECTION 7-201 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "City of Fairview Sales Tax Ordinance."

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. § 2701; 68 O.S. §§ 1350 et seq.

#### SECTION 7-202 DEFINITIONS.

A. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

B. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

C. The definition of "gross receipts" in the State Sales Tax Code is hereby augmented to contain the additional following words: "The total retail sale price received for the sale, preparation or service of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sale, preparation or service occurs shall constitute the gross receipts from such transaction."

#### SECTION 7-203 TAX COLLECTOR DEFINED.

The term "tax collector" as used in this Article means the department of the City or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this Article.

SECTION 7-204 CLASSIFICATION OF TAXPAYERS.

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

SECTION 7-205 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

SECTION 7-206 PURPOSE OF REVENUES.

A. There is hereby imposed an excise (sales) tax of two percent (2%) of the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, which tax is levied pursuant to Ordinance No. 93-3, which ordinance is incorporated herein by reference, the proceeds of which are for the use and benefit of the City of Fairview, to be used as follows:

1. One percent (1%) shall be used to support the functions of the municipal government of the City of Fairview, which one percent (1%) shall be unlimited in duration.

2. One percent (1%) shall be used for the purpose of constructing, furnishing and financing a new municipal complex and the acquisition of a new fire truck, with any surplus to be used for capital expenditures (including debt service in connection with the obligations issued to finance the referenced projects and/or capital expenditures), for the use and benefit of the City of Fairview, which one percent (1%) excise (sales) tax shall be for term of fifteen (15) years from its effective date.

B. There is hereby imposed an excise tax of one percent (1%) of the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, which tax is levied pursuant to Ordinance No. 97-1, which ordinance is incorporated herein by reference, the proceeds of which are for the use and benefit of the City and any public trust having the City as beneficiary thereof, to be used as follows:

1. Sixty-five percent (65%) of the revenues generated from said one percent (1.00) excise tax shall be used for capital improvements to include, but not by way of limitation, water and

wastewater system improvements, and/or debt service in conjunction with obligations issued to finance said capital improvements.

2. Thirty-five percent (35%) of the revenues generated from said one percent (1%) sales tax shall be used for capital improvements to include, but not by way of limitation, water and wastewater system improvements.

The provisions of this subsection B and the collection of the excise (sales) tax referenced herein shall become effective on or after October 1, 1997, and shall terminate and cease to be levied on September 30, 2012.

C. There is hereby imposed an excise tax of one percent (1%) of the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, which tax is levied pursuant to Ordinance No. 2002-4, which ordinance is incorporated herein by reference, the proceeds of which are to provide revenues for the purpose of renovating, expanding, equipping, and/or maintaining the Fairview Municipal Hospital facilities and/or to be applied or pledged toward the payment of principal and interest on any indebtedness, including refunding indebtedness, incurred by or on behalf of the City for such purpose. This subsection C becomes effective on October 1, 2002, and shall terminate and said excise (sales) tax shall not be collected after September 30, 2022.

Note: Subsection A was adopted by Ordinance No. 93-3 and superceded Ordinance No. 74-8 as amended by Ordinance No. 80-6.

SECTION 7-207 TAX IMPOSED; AMOUNT.

A. There is hereby levied an excise tax in the amount of (4.00%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, including but not exclusive of the following:

1. Tangible personal property, except newspapers and periodicals;

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, and associated delivery or transmission services, except water, sewage and refuse and those specifically exempt pursuant to the provisions of 68 O.S. §1357;

3. Transportation for hire to persons by common carriers, including railroads both steam and electric, motor transportation

companies, Pullman car companies, airlines, and other means of transportation for hire, excluding:

- a. transportation services provided by a tourism service broker which are incidental to the rendition of tourism brokerage services by such broker to a customer regardless of whether or not such transportation services are actually owned and operated by the tourism service broker. For purposes of this subsection, "tourism service broker" means any person, firm, association or corporation or any employee of such person, firm, association or corporation which, for a fee, commission or other valuable consideration, arranges or offers to arrange trips, tours or other vacation or recreational travel plans for a customer, and
- b. transportation services provided by a funeral establishment to family members and other persons for purposes of conducting a funeral in this state;

4. Telecommunications services that originate and terminate in this state and that originate or terminate in this state and are charged to the consumer's telephone number or account in this state regardless of where the billing for such service is made, all mobile telecommunications services that are sourced to this state pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. 116-126, and all local telecommunications service and rental charges, including all installation and construction charges and all service and rental charges having any connection with transmission of any message or image. Provided:

- a. the term "telecommunications services" shall mean the transmission of any interactive, two-way electromagnetic communications, including voice, image, data and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media, but shall not include the following: (1) sales of value-added nonvocal services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted, including charges for the storage of data or information for subsequent retrieval but not including services commonly known as voice mail, (2) any interstate telecommunications service which is: (a) rendered by a company for private use within its organization, or (b) used, allocated, or distributed by a company to its affiliated group, or (3) sales of any carrier access

services, right of access services, telecommunications services to be resold, or telecommunications services used in the subsequent provision of, use as a component part of, or integrated into end-to-end telecommunications service, and

- b. the term "telecommunications services" shall include, but not be limited to sales of any interstate telecommunications services which: (1) entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or (2) entitle the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges, and c. the term "interstate" includes any international service that either originates or terminates outside of the fifty (50) United States and the District of Columbia;

5. Printing or printed matter of all types, kinds, or character and, except for services of printing, copying or photocopying performed by a privately owned scientific and educational library sustained by monthly or annual dues paid by members sharing the use of such services with students interested in the study of geology, petroleum engineering or related subjects, any service of printing or overprinting, including the copying of information by mimeograph, multigraph, or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information from magnetic tapes or other media furnished by customers;

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

7. Service of furnishing storage or parking privileges by auto hotels or parking lots;

8. Computer hardware, software, coding sheets, cards, magnetic tapes or other media on which pre-written programs have been coded, punched, or otherwise recorded, including the gross receipts from the licensing of software programs;

9. Foods, confections, and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate

consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;

10. Advertising of all kinds, types, and characters, including any and all devices used for advertising purposes except those specifically exempt pursuant to the provisions of 68 O.S. § 1357;

11. Dues or fees to clubs including free or complimentary dues or fees which have a value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;

12. Tickets for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display, or other recreational events or activities, including free or complimentary admissions which have a value equivalent to the charge that would have otherwise been made;

13. Charges made for the privilege of entering or engaging in any kind of activity, such as tennis, racquetball, or handball, when spectators are charged no admission fee;

14. Charges made for the privilege of using items for amusement, sports, entertainment, or recreational activity, such as trampolines or golf carts;

15. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports or athletic equipment;

16. The gross receipts from sales from any vending machine without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. The gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair, or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. If the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill, or invoice delivered to the

consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

18. Flowers, plants, shrubs, trees, and other floral items, whether or not produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. All orders taken outside this state for delivery within this state shall not be subject to the taxes levied in this Section;

19. Tangible personal property sold to persons, peddlers, solicitors, or other salesmen, for resale when there is likelihood that this state will lose tax revenue due to the difficulty of enforcing the provisions of the Oklahoma Sales Tax Code because of:

- a. the operation of the business,
- b. the nature of the business,
- c. the turnover of independent contractors,
- d. the lack of place of business in which to display a permit or keep records,
- e. lack of adequate records,
- f. the fact that the persons are minors or transients,
- g. the fact that the persons are engaged in service businesses, or
- h. any other reasonable reason;

20. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users, however, taxable materials, supplies and equipment sold to contractors as provided by this subsection which are purchased as a result of and subsequent to the date of a contract entered into either prior to the effective date of any law increasing the rate of sales tax imposed by this article, or entered into prior to the effective date of an ordinance or other measure increasing the sales tax levy of a political subdivision shall be subject to the rate of sales tax applicable, as of the date such contract was entered into, to sales of such materials, supplies and equipment if such purchases are required in order to complete the contract. Such rate shall be applicable to purchases made pursuant to the contract or any change order under the contract until the contract or any change order has been completed, accepted and the contractor has been discharged from any further obligation under the contract or change order or until two (2) years from the date on which the contract was entered into whichever occurs first. The increased sales tax rate shall be applicable to all such purchases at the time of sale and the

contractor shall file a claim for refund before the expiration of three (3) years after the date of contract completion or five (5) years after the contract was entered into, whichever occurs earlier. However, the Oklahoma Tax Commission shall prescribe rules and regulations and shall provide procedures for the refund to a contractor of sales taxes collected on purchases eligible for the lower sales tax rate authorized by this subsection; and

21. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, hereby declared to be sales to consumers or users.

Section 7-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX

There is hereby specifically exempted from the tax levied by this Article the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the Motor Fuel Tax, Gasoline Excise Tax, Special Fuels Tax or the fee in lieu of Special Fuels Tax levied in Article 5, 6, or 7 of Title 68 of the Oklahoma Statutes has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied in Article 21 of Title 68 of the Oklahoma Statutes has been, or will be paid;

3. Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax pursuant to the provisions of Articles 10 and 11 of Title 68 of the Oklahoma Statutes. This exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state;

4. Sale of aircraft on which the tax levied pursuant to the provisions of Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes;

5. Sales from coin-operated devices on which the fee imposed by Sections 1501 through 1513 of Title 68 of the Oklahoma Statutes has been paid;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by Section 2103 of Title 68 of the Oklahoma Statutes;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

8. Sales of cigarettes or tobacco products to:

- a. a federally recognized Indian tribe or nation which has entered into a compact with the State of Oklahoma pursuant to the provisions of subsection C of Section 346 of Title 68 of the Oklahoma Statutes or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or
- b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of Section 349 or Section 426 of Title 68 of the Oklahoma Statutes has been paid; and

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by Section 6001 et seq. of Title 68 or which are specifically exempt from such tax pursuant to the provisions of Section 6003 of Title 68 of the Oklahoma Statutes.

Section 7-209 RESERVED

Section 7-210 TAX DUE WHEN; RETURNS; RECORDS

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code.

Section 7-211 PAYMENT OF TAX; BRACKETS

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

B. The bracket system for the collection of the City sales tax by the tax collector shall be the same as is hereafter adopted

by the agreement of the City and the tax collector, in the collection of both the City sales tax and the state sales tax.

Section 7-212 EXEMPTIONS-GOVERNMENTAL AND NONPROFIT ENTITIES

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of this state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this article, except as hereinafter provided;

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

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

5. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to

privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or a similar business;

8. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university or any public trust of which a county in this state is the beneficiary, for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheatres and theaters. To be eligible for this sales tax exemption; the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

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

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers County Port Authority, Muskogee City-County Port Authority or to any person with whom any of the above-named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are

for any of the above-named subdivisions or agencies of this state or who otherwise violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this paragraph shall be a misdemeanor as set forth in paragraph 10 of this Section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

13. Sales of tangible personal property made by:

- a. a public school,
- b. a private school offering instruction for grade levels kindergarten through twelfth grade,
- c. a public school district,
- d. a public or private school board,
- e. a public or private school student group or organization,
- f. a parent-teacher association or organization, or

- g. public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private school board or public or private school student group or organization. The exemption provided by this paragraph for sales made by a public or private school shall be limited to those public or private schools accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall include sale of admission tickets and concessions at athletic events;

14. Sales of tangible personal property by:

- a. local 4-H clubs,
- b. county, regional or state 4-H councils,
- c. county, regional or state 4-H committees,
- d. 4-H leader associations,
- e. county, regional or state 4-H foundations, and
- f. authorized 4-H camps and training centers. The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first Seventy-five Thousand Dollars (\$75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes;

17. Sales of tangible personal property or services to fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such fire department and set out the name of such fire department. Any person who wrongfully

or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes for the purposes of raising funds for the benefit of the fire department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

- a. any federally qualified community health center as defined in Section 254c of Title 42 of the United States Code,
- b. any migrant health center as defined in Section 254b of Title 42 of the United States Code,

- c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of Section 66 of Title 56 of the Oklahoma Statutes, and
- d. any community based health center which meets all of the following criteria:
  - (1) provides primary care services at no cost to the recipient, and
  - (2) is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally-owned recreation centers for the use of facilities and programs;

24. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501 (c)(3);

25. Sales of tangible personal property or services to museums or other entities which have been accredited by the American Association of Museums. Any person making purchases on behalf of any such museum or other entity shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of

Title 68 of the Oklahoma Statutes shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to Section 3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

- a. the destruction in whole or in part of the satellite or launch vehicle,
- b. the failure of a launch to occur or be successful, or

- c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner;

36. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property meeting the definition of "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, Section 38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by Section 1354 of this title shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "Section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items

of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education; and

41. Sales of tangible personal property or services for use on campus construction projects for the benefit of institutions of The Oklahoma State System of Higher Education or private institutions of higher education accredited by the Oklahoma State Regents for Higher Education when such projects are financed by or through the use of nonprofit entities which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefor would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C. 513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise and gross receipts taxes.

State Law Reference: Similar provisions, 68 O.S. Section 1305.

Section 7-213 SAME-GENERALLY

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in Section 1350 et seq. of Title 68 of the Oklahoma Statutes. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by Section 1350 et seq. of Title 68 of the Oklahoma Statutes. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television, and the servicing of any advertising devices;

5. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that the purchaser is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full

benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

6. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use after December 31, 1980. Provided, nothing herein shall be construed as limiting or prohibiting cities and Citys, and counties levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, from levying and collecting taxes on the sale of natural or artificial gas and electricity. Provided further, any sales tax levied by a city or City, or a county levying a tax pursuant to the provisions of Section 1370.2 of Title 68 of the Oklahoma Statutes, on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items;

7. In addition to the exemptions authorized by Section 1357.6 of Title 68 of the Oklahoma Statutes, sales of medicines or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicines or drugs. Provided, this exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;

10. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;

11. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which: a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code,

26 U.S.C. 501 (c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501 (c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;

12. Sales of tangible personal property or services to or by organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), and which are primarily involved in the collection and distribution of food and other household products to other organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), which facilitate the distribution of such products to the needy, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

13. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

14. Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars (\$2,000,000.00);

15. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 14 of this Section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft

maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;

16. Sales of any interstate telecommunications services which:

- a. entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or
- b. entitles the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges;

17. Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings and turnouts;

18. Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C. 1504;

19. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing: a. as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer. Eligibility for the exemption set out in

this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

20. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" means a device which replaces a missing part of the human body and shall include any supplies physically connected to the device;

21. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996;

22. Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial water craft;

23. Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;

24. Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

25. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;

26. Beginning July 1, 2000, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft frame repairs and modification, aircraft interior modification, and

paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint. The exemption provided by this paragraph shall be limited to aircraft repairs, modification, and replacement parts for aircraft weighing more than twelve thousand five hundred (12,500) pounds and less than one hundred thousand (100,000) pounds and which aircraft are brought into this state exclusively for such repairs or modification. The exemption provided by this paragraph shall be limited to repairs or modifications made by a new or expanded aircraft repair facility. As used in this paragraph, the term "aircraft" shall have the same meaning as such term is defined in Section 6001 of Title 68. The term "new or expanded aircraft repair facility" shall mean any new or expanded facility which repairs, modifies or replaces aircraft parts in which more than Four Million Dollars (\$4,000,000.00) was invested to establish the new facility or expand an existing facility and which construction was commenced or was in progress on or after January 1, 1999; and

27. Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:

- a. are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or
- b. enter into and become component parts of the ship, motor vessel or barge.

#### Section 7-214 SAME-MANUFACTURERS

The gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted from the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of goods, wares, merchandise, tangible personal property, machinery and equipment to a manufacturer for use in a manufacturing operation;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by Section 500.4 of Title 68 of the Oklahoma Statutes;

3. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm,

garden, or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles and the cartons, crates, pallets, and containers used to transport returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this Code. Additionally, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

4. Sales of or transfers of title to or possession of any containers, after June 30, 1987, used or to be used more than once and which are ordinarily known as returnable containers and which do or will contain beverages defined by paragraphs 4 and 14 of Section 506] of Title 37 of the Oklahoma Statutes, or water for human consumption and the cartons, crates, pallets, and containers used to transport such returnable containers;

5. Sale of tangible personal property when sold by the manufacturer to a person who transports it to a state other than Oklahoma for immediate and exclusive use in a state other than Oklahoma. Provided, no sales at a retail outlet shall qualify for the exemption under this paragraph;

6. Machinery, equipment, fuels and chemicals or other materials incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of hazardous waste at treatment facilities specifically permitted pursuant to the Oklahoma Hazardous Waste Management Act and operated at the place of waste generation, or facilities approved by the Department of Environmental Quality for the cleanup of a site of contamination. The term "hazardous" waste may include low-level radioactive waste for the purpose of this paragraph;

7. Sales of tangible personal property to a qualified manufacturer to be consumed or incorporated in a new manufacturing facility or to expand an existing manufacturing facility. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified manufacturer for construction or expansion of a manufacturing facility shall be considered sales made to a qualified manufacturer. For the purposes of this paragraph, "qualified manufacturer" means:

- a. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Five Million Dollars (\$5,000,000.00) and in which at least one hundred (100) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility,
- b. any enterprise whose total cost of construction of a new or expanded facility exceeds the sum of Ten Million Dollars (\$10,000,000.00) and the combined cost of construction material, machinery, equipment and other tangible personal property exempt from sales tax under the provisions of this paragraph exceeds the sum of Fifty Million Dollars (\$50,000,000.00) and in which at least seventy-five (75) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, are added and maintained for a period of at least thirty-six (36) months as a direct result of the new or expanded facility, or
- c. any enterprise whose total cost of construction of an expanded facility exceeds the sum of Three Hundred Million Dollars (\$300,000,000.00) and in which the manufacturer has and maintains an average employment level of at least one thousand seven hundred fifty (1,750) full-time-equivalent employees, as certified by the Employment Security Commission. For purposes of this paragraph, the total cost of construction shall include building and construction material and engineering and architectural fees or charges directly associated with the construction of a new or expanded facility. The total cost of construction shall not include attorney fees. For purposes of subparagraph c of this paragraph, the total cost of construction shall also include the cost of qualified depreciable property as defined in Section 2357.4 of Title 68 of the Oklahoma Statutes and labor services performed in the construction of an expanded facility. The employment requirement of this paragraph can be satisfied by the employment of a portion of the required number of new full-time-equivalent employees at a manufacturing facility that is related to or supported by the new or expanded manufacturing facility as long as both facilities are owned by one person or business entity. For purposes of this Section, "manufacturing facility" shall mean building and land improvements used in manufacturing as defined by the Standard Industrial

Classification Code and shall also mean building and land improvements used for the purpose of packing, repackaging, labeling or assembling for distribution to market, products at least seventy percent (70%) of which are made in Oklahoma by the same company but at an off-site in-state manufacturing facility or facilities. It shall not include a retail outlet unless the retail outlet is operated in conjunction with and on the same site or premises as the manufacturing facility. Up to ten percent (10%) of the square feet of a manufacturing facility building may be devoted to office space used to provide clerical support for the manufacturing operation. Such ten percent (10%) may be in a separate building as long as it is part of the same contiguous tract of property on which the manufacturing facility is located. Only sales of tangible personal property made after June 1, 1988, shall be eligible for the exemption provided by this paragraph;

8. Sales of tangible personal property purchased and used by a licensed radio or television station in broadcasting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. This exemption begins with the equipment used in producing live programming or the electronic equipment directly behind the satellite receiving dish or antenna, and ends with the transmission of the broadcast signal from the broadcast antenna system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

9. Sales of tangible personal property purchased or used by a licensed cable television operator in cable casting. This exemption shall not apply unless such machinery and equipment is used directly in the manufacturing process, is necessary for the proper production of a cablecast signal or is such that the failure of the machinery or equipment to operate would cause cable casting to cease. This exemption begins with the equipment used in producing local programming or the electronic equipment behind the satellite receiving dish, microwave tower or antenna, and ends with the transmission of the signal from the cablecast head-end system. For purposes of this paragraph, "proper production" shall include, but not be limited to, machinery or equipment required by Federal Communications Commission rules and regulations;

10. Sales of packaging materials for use in packing, shipping or delivering tangible personal property for sale when sold to a producer of agricultural products. This exemption shall not apply to the sale of any packaging material which is ordinarily known as a returnable container;

11. Sales of any pattern used in the process of manufacturing iron, steel or other metal castings. The exemption provided by this paragraph shall be applicable irrespective of ownership of the pattern provided that such pattern is used in the commercial production of metal castings;

12. Deposits or other charges made and which are subsequently refunded for returnable cartons, crates, pallets, and containers used to transport cement and cement products;

13. Beginning January 1, 1998, machinery, electricity, fuels, explosives and materials, excluding chemicals, used in the mining of coal in this state; and

14. Deposits, rent or other charges made for returnable cartons, crates, pallets, and containers used to transport mushrooms or mushroom products from a farm for resale to the consumer or processor.

Section 7-215 SAME-AGRICULTURE

The gross receipts of gross proceeds exempted from the Oklahoma Sales Tax Code are hereby exempted for the tax levied under this article. There are hereby specifically exempted from the tax levied by this article:

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

- a. farm, orchard or garden products, and
- b. dairy products sold by a dairy producer or farmer who owns all the cows from which the dairy products offered for sale are produced; provided, the provisions of this paragraph shall not be construed as exempting sales by florists, nursery operators or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

- a. feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption,
- b. feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products, and
- c. any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies. "Poultry" shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs. "Livestock" shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Oklahoma Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

- a. sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching,

- b. sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. In addition to providing the vendor proof of eligibility as provided in Section 1358.1 of this Title 68 of the Oklahoma Statutes, the purchaser shall provide the name or names of such owner or lessee and operator and the location of the lands on which said materials are to be applied to each such land,
- c. sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article, and said sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this Section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals,
- d. sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This Section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens, and
- e. sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this subparagraph, "agricultural chemical pesticides" shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. The exemption provided in this paragraph shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products;

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. The exemption specified in this paragraph shall apply to such farm machinery, repair parts or fuel, oil, lubricants and other substances used by persons engaged in the business of custom production, cultivation, planting, sowing, harvesting, processing, spraying, preservation, or irrigation of any livestock, poultry, agricultural, or dairy products for farmers or ranchers. The exemption provided for herein shall not apply to motor vehicles;

7. Sales of supplies, machinery and equipment to persons regularly engaged in the business of raising evergreen trees for retail sale in which such trees are cut down on the premises by the consumer purchasing such tree. This exemption shall only be granted and extended when the items in fact are used in the raising of such evergreen trees; and

8. Sales of materials, supplies and equipment to an agricultural permit holder or to any person with whom the permit holder has contracted to construct facilities which are or which will be used directly in the production of any livestock, including, but not limited to, facilities used in the production and storage of feed for livestock owned by the permit holder. Any person making purchases on behalf of the agricultural permit holder shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such permit holder and set out the name and permit number of such holder. Any person who wrongfully or erroneously certifies that purchases are for an agricultural permit holder or who otherwise violates this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of an amount equal to double the amount of sales tax involved or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment.

B. As used in this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes:

1. "Agricultural products" shall include horses; and

2. "Ranching" or "ranch" shall include the business, or facilities for the business, of raising horses. Provided, sales of items at race meetings as defined in Section 200.1 of Title 3A of the Oklahoma Statutes shall not be exempt pursuant to the

provisions of this Section and Section 1358.1 of Title 68 of the Oklahoma Statutes.

State Law Reference: Similar provision, 68 O.S. Section 1305a.

Section 7-216 RESERVED

Section 7-217 TAX CONSTITUTES DEBT; City SALES TAX SUBJECT TO OTHER TITLE 68 PROVISIONS

The taxes, penalty and interest due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. Moreover, Title 68 of the Oklahoma Statutes as it relates to all sales tax is hereby adopted by reference as if fully set out, as is hereby amended as such state laws are amended, and is applicable to all municipal sales tax issues.

Section 7-218 VENDOR'S DUTY TO COLLECT TAX; PENALTIES

A. The tax is levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this City to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or wilfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, by any whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the City. Any person, firm, corporation, joint venture or association that wilfully or intentionally fails, neglects or refuse to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

Section 7-219 RETURNS AND REMITTANCES; DISCOUNTS

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales tax.

Section 7-220 INTEREST AND PENALTIES; DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

Section 7-221 WAIVER OF INTEREST AND PENALTY

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the City tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this Section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this chapter.

Section 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND

Refund of erroneous payment of the City sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes. To

accomplish the purpose of this Section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this chapter.

Section 7-223 FRAUDULENT RETURNS

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in Section 1-108 of this code.

Section 7-224 RECORDS CONFIDENTIAL

The confidential and privileged nature of the records and files concerning the administration of the City sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Sales Tax Code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the City sales tax as if here set forth in full.

Section 7-225 AMENDMENTS

The people of the City, by their approval of the sales tax ordinance hereby authorize the Council, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the City as provided by law.

Section 7-226 PROVISIONS CUMULATIVE

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

## ARTICLE 3

## UTILITIES TAX

SECTION 7-301 FEE LEVIED; APPLICATION.

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts received from all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, gas, electricity, telephone exchange service or water within the City limits, except that it shall neither apply to City furnished services nor any person, firm, association or corporation operating under a valid franchise with the City nor apply to utilities furnished by the City.

State Law Reference: Authority of council to levy above tax, 68 O.S. § 2601; tax not applicable to franchise holders, 68 O.S. § 2602.

SECTION 7-302 TAX IS IN LIEU OF OTHER TAXES.

The tax levied by this Article shall be in lieu of any other franchise, license, occupation or excise tax levied by the City.

SECTION 7-303 PAYMENT OF TAX

The tax levied under this Article shall be payable monthly on or prior to the tenth (10<sup>th</sup>) day of the month for the preceding month's receipts and the proceeds thereof shall be placed in the general revenue fund of the City. Provided however, the tax levied on sales of natural gas shall be payable in quarters ending January 1, April 1, July 1 and October 1 of each year, and shall be placed in the general revenue fund of the city within forty-five days after the close of each quarter.

SECTION 7-304 FAILURE TO PAY; ACTION FOR COLLECTION.

Any person failing or refusing to pay the tax levied by this Article shall be regarded as a trespasser and may be ousted from the City. In addition thereto, an action may be maintained against such person for the amount of the tax and all expenses of collecting same, including reasonable attorneys' fees.

SECTION 7-305 TAX LIEN.

The tax imposed by this Article shall constitute a first and prior lien on all the assets located within the City of any person

engaged in the business of selling power, light, heat, gas, electricity or water within the City and subject to such tax.

SECTION 7-306 RECORD OF SALES

It shall be the duty of any person, firm, association or corporation subject to the tax levied hereunder to keep and maintain records as to the amount of gross receipts of sales of power, light, heat, gas, electricity or water within the City, and such records shall be subject to review and audit by the City upon reasonable request. In addition, a summary of such sales for the preceding calendar month, including the number of customers served, the number of customers exempt from taxation under applicable Oklahoma sales tax law, the number of units of gas, electricity or water sold to exempt and non-exempt customers, the gross receipts from sales to exempt and non-exempt customers, and the amount of the gross receipt tax levied herein based on such sales, shall be provided unto the City at the time of payment of the tax pursuant to Section 7-303 hereof.

Note: This section was adopted on October 3, 1995, by Ordinance No. 95-7.

ARTICLE 4

CABLE FRANCHISE

SECTION 7-401 CABLE TV FRANCHISE GRANTED.

On the 5<sup>th</sup> day of November 1985, the City of Fairview granted to SSS Cable Television of the Southwest (currently Cebridge Connections), by Ordinance No. 85-1, a non-exclusive privilege to construct, install, maintain and operate a Community Antenna Television System in the City of Fairview for a period of twenty-five years. Ordinance No. 85-1 is attached hereto as appendix 1 and are incorporated by reference into this section and code as if fully set out.

ARTICLE 5 - RESERVED

ARTICLE 6 - HOTEL TAX

SECTION 7-601 SHORT TITLE

This Chapter shall be known and cited as the "Fairview Hotel Tax Ordinance."

SECTION 7-602 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* shall mean the City Manager of the City.

*Hotel* shall mean any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations, whether such rooms are in one or several structures. The term shall also include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, dormitory space where bed space is rented to individuals or groups, apartments not occupied by "permanent residents," and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term shall not include hospitals, sanitariums or nursing homes.

*Occupancy* shall mean the use or possession, or the right to the use or possession of any room or rooms in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possessions of the room or rooms or leased or rented space.

*Occupant* shall mean a person, who for a consideration, uses, possesses, or has the right to the use or possession of any room or rooms in a hotel under any lease, concession, permit, right to access, license to use, or other agreement.

*Operator* shall mean any person operating a hotel in this city, included, but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

*Permanent resident* shall mean any occupant who has or shall have the right of occupancy of any room in a hotel for thirty (30) or more consecutive days during the calendar year or preceding year.

*Rent* shall mean the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return shall mean any return filed or required to be filed as herein provided.

Room shall mean any room or rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by seventy-five (75) or more persons and which is used for educational, recreational or amusement purposes and shall include: dance halls, cabarets; night clubs; restaurants; any room or space for public or private banquets, feasts, social, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools, billiard, bowling and table tennis; tennis rooms; halls or rooms used for public or private catering purposes, funeral parlors; markets; recreational rooms; concert halls; broadcasting studios, and all other places of similar type of occupancy.

Tax shall mean the tax levied pursuant to this Chapter.

SECTION 7-603 LEVIED; RATE

There is hereby levied an excise tax in the amount of five percent (5%) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this city.

SECTION 7-604 EXEMPTIONS

The following shall be exempt from the tax levied in this Chapter:

- (1) Permanent residents;
- (2) The United States government or any agency or division thereof;
- (3) The state or any political subdivision thereof.

SECTION 7-605 CERTIFICATE OF EXEMPTION

Anyone claiming to be exempt from the tax must furnish proof to the director of such exemption and obtain from the director a certificate of the exemption.

SECTION 7-606 TAX TO BE SEPARATELY DESIGNATED ON BILLS

The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

SECTION 7-607 OPERATOR RESPONSIBLE FOR COLLECTION

The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the city for the tax.

SECTION 7-608 RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable therein in such form as the director may by regulations require. Such records shall be available for inspection and examination at any time upon demand by the director, or a duly authorized agent or employee of the city, and shall be preserved for a period of three (3) years except that the director may consent to their destruction within that period or may require that they be kept longer.

SECTION 7-609 RETURNS

(a) Every operator on or before the twentieth (20<sup>th</sup>) day of each month shall file with the director a return of occupancy and rents and of the taxes payable thereon for the preceding calendar month after the effective date of this Chapter.

(b) The director may permit or require returns to be made by shorter or longer periods and upon such dates as he may specify. The form of return shall be prescribed by the director and shall contain such information as he may deem necessary for the proper administration of this Chapter. The director may require amended returns to be filed within, twenty (20) days after notice and to contain the information specified in the notice.

SECTION 7-610 PAYMENT OF TAX

At the time of filing a return of occupancy and of rents, each operator shall pay to the director the taxes imposed by this Chapter upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this Chapter. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the director on or before the date fixed for the filing of the return for such period without regard to

whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

#### SECTION 7-611 ASSESSMENT AND DETERMINATION OF TAX

If a return required by this Chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the director from such information as may be assessed by the director from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the governing body or its designee for a hearing or unless the director on his own motion shall reassess the same. After such hearing, the governing body or its designee shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

#### SECTION 7-612 REFUNDS

The director shall refund or credit any tax erroneously, illegally or unconstitutionally collected if written application to the director for such refund shall be made within two (2) years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the order of the director. Whenever a refund is made, the reasons therefore shall be stated in writing. Such application may also be made by the person who has collected and paid such tax to the director providing that the application is made within two (2) years of the payment by the occupant to the operator but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for refund is made. The director in lieu of any refund required to be made, may allow credit therefor on payment due from the applicant.

(b) Upon application for a refund the director may receive evidence with respect thereto, and make such investigation as he deems necessary. After making a determination as to the refund, the director shall give notice thereof to the applicant. Such determination shall be final unless the applicant within ninety (90) days after such notice shall apply in writing to the director or its designee for a hearing. After such hearing, the director or

its designee shall give written notice of its decision to the applicant.

SECTION 7-613 NOTICES

Notices provided for under this Chapter shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail to the last known address of the operator.

SECTION 7-614 REMEDIES EXCLUSIVE

The remedies provided in this Chapter shall be exclusive remedies available to any person for the review of tax liability imposed by this Chapter.

SECTION 7-615 GENERAL POWERS OF DIRECTOR

In addition to all other powers granted to the director, he is hereby authorized and empowered:

- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this Chapter for the purposes thereof; for a period not exceeding sixty (60) days; and for cause shown to waive, remit, or reduce penalties or interest;
- (2) To delegate his functions hereunder to an assistant or other employee or employees of the city;
- (3) To assess, reassess, determine, revise and readjust the taxes imposed by this Chapter;
- (4) To prescribe methods for determining the taxable and nontaxable rents.

SECTION 7-616 ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

The director, or his designated representative, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Chapter. The director shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and to the enforcement of this Chapter and to examine them in relation thereto.

SECTION 7-617 CERTIFICATES OF REGISTRATION

Every operator shall file with the director a certificate of registration in a form prescribed by said director within ten (10) days after the effective date hereof, or in the case of operators commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening. The director shall, within five (5) days after such registration, issue, without charge, to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and comes to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the director upon the cessation of business at the hotel named, or upon its sale or transfer.

SECTION 7-618 INTEREST

If any tax levied by this Chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half (1 ½) percent per month on the unpaid balance from the date of delinquency.

SECTION 7-619 DELINQUENT TAXES

The tax levied by this Chapter shall be due and payable at the time filing of the returns provided for in this Chapter is required. All taxes not paid when they become due, shall be delinquent.

SECTION 7-620 DISCOUNT

In order to compensate an operator for keeping tax records, filing reports, and remitting the tax when due, a three (3) percent discount shall be allowed upon all taxes paid prior to the time they become delinquent.

SECTION 7-621 RECORDS CONFIDENTIAL

The confidential and privileged nature of the records and files concerning the administration of the hotel tax is legislatively recognized and declared, and to protect the same the provisions of section 206 of the Uniform Tax Procedure Code, and each subsection thereof is hereby adopted by reference and made fully effective and applicable to administration of the tax as if herein set forth.

SECTION 7-622 FRAUDULENT RETURNS

The willful failure or refusal of any taxpayer or operator to make any timely reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Chapter shall be an offense, and upon conviction thereof the offending taxpayer or operator shall be subject to a fine of not more than Two Hundred Dollars (\$200.00) plus costs; each day shall be considered a separate offense.

SECTION 7-623 AMENDMENTS

The registered voters of the City of Fairview by their approval of this Chapter at the election herein provided, hereby authorize the governing body by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Chapter as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

SECTION 7-624 USE OF FUNDS

All taxes collected pursuant to the provisions of this Chapter shall be set aside and used exclusively for the purpose of encouraging, promoting and fostering the economic and tourism development of the city. All monies collected shall be put in the Economic/Tourism Development Fund ("Fund") and expended as herein provided. The Fund shall be a special, limited purpose fund, established within the general budget of the City of Fairview, and shall be used solely for the purpose of receiving the revenues derived from collection of the hotel tax imposed hereunder, receiving income from the investment of said monies contained in the Fund, and shall be accumulated, earmarked, used and expended, both principal and interest, to encourage, promote and foster economic and tourism development, and for any necessary and related fees, costs and expenses to accomplish that purpose.

SECTION 7-625 PROVISIONS CUMULATIVE

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of city ordinances.

## ARTICLE 7

## USE TAX

SECTION 7-701 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE, PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or bought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of 4.00% of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

Note: This Article was adopted by the adoption of this 2005 re-codified code.

SECTION 7-702 EXEMPTIONS.

The provisions of this Article shall not apply:

A. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

B. In respect to the use of tangible, personal property purchased for resale before being used;

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Fairview

Use Tax Ordinance, had been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the City of Fairview Use Tax Code, the provisions of this Section shall also apply to it by a rate measured by the difference only between the rate by both the Oklahoma Use Tax Code and the City of Fairview Use Tax Code, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

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

F. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;

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

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

SECTION 7-703 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this Article is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-704 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt.

SECTION 7-705 COLLECTION OF TAX BY RETAILER OR VENDOR.

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible, personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this City.

SECTION 7-706 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible, personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-state business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be canceled when at any time the Tax Commission considers that such tax can more effectively be collected from the

person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipal Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

SECTION 7-707 REVOKING PERMITS.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, § 1408, by order revoke tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state, may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this Article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-708 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

SECTION 7-709 INTEREST AND PENALTIES; DELINQUENCY.

Title 68 O.S. § 217, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Article. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Article.

SECTION 7-710 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty of any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipal tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. § 227, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

SECTION 7-711 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. § 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

SECTION 7-712 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Article shall be an offense and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars (\$100.00) and costs. Each day of noncompliance with this Article shall constitute a separate offense.

SECTION 7-713 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipal Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. § 205, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipal Use Tax as is herein set forth in full.

SECTION 7-714 PROVISIONS CUMULATIVE.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipal ordinances.

SECTION 7-715 PROVISIONS SEVERABLE.

The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this Article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause thereof.

SECTION 7-716 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, 68 O.S. § 1401 are hereby adopted by reference and made a part of this Article. In addition thereto, the following words and terms shall be defined as follows:

1. City shall mean the City of Fairview, Oklahoma.
2. Transaction shall mean sale.

SECTION 7-717 TAX COLLECTOR DEFINED.

The term "tax collector" as used herein means the department of the municipal government or the official agency of the state, duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

SECTION 7-718 CLASSIFICATION OF TAXPAYERS.

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

SECTION 7-719 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this Article hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose.

SECTION 7-720 PURPOSES OF REVENUES.

It is hereby declared to be the purpose of this Article to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

## ARTICLE 8

## TELEPHONE EXCHANGE FEE

## DIVISION 1

## TELEPHONE EXCHANGE FEE

Section 7-801 FEE LEVIED ON TELEPHONE EXCHANGES

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the city 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 limits of the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the city on or before the first day of May of each year, for the whole calendar year next preceding the date and shall be paid and appropriated and expended from the general revenue fund of the city.

State Law Reference: City powers to levy utility tax on gross receipts, 68 O.S. Section 2601 et seq.

Section 7-802 FEE TO BE IN LIEU OF OTHER FEES, TAXES

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the city is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the city.

page left intentionally blank

12/1/2005 version

)

)

CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

- Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL
- Section 8-102 DEFINITIONS
- Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY
- Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY
- Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS
- Section 8-106 LIENS ON THE PROPERTY, CIVIL REMEDY
- Section 8-107 BOARD MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.
- Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH
- Section 8-109 BURNING REFUSE
- Section 8-110 REMOVAL OF DEAD ANIMALS
- Section 8-111 UNLAWFUL TO LITTER
- Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES
- Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY
- Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES

ARTICLE 2

FOOD AND RESTAURANTS

- Section 8-201 FOOD SERVICE REGULATIONS ADOPTED

ARTICLE 3

NUISANCES

- Section 8-301 DEFINITION
- Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE
- Section 8-303 ABATEMENT
- Section 8-304 PERSON RESPONSIBLE FOR CONTINUING NUISANCE
- Section 8-305 TIME DOES NOT LEGALIZE NUISANCE
- Section 8-306 REMEDIES AGAINST PUBLIC NUISANCES
- Section 8-307 REMEDIES AGAINST PRIVATE NUISANCES
- Section 8-308 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE
- Section 8-309 SUMMARY ABATEMENT OF NUISANCES
- Section 8-310 HEALTH NUISANCES; ABATEMENT
- Section 8-311 CITY ACTIONS NOT TO JEOPARDIZE PRIVATE ACTIONS
- Section 8-312 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER

Section 8-313 OPEN BURNING PROHIBITED  
Section 8-314 ABATEMENT BY SUIT IN DISTRICT COURT  
Section 8-315 PROCEDURE CUMULATIVE  
Section 8-316 TOILET FACILITIES REQUIRED  
Section 8-317 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER  
Section 8-318 LITTERING PROHIBITED GENERALLY  
Section 8-319 ABANDONED REFRIGERATORS  
Section 8-320 ENFORCEMENT, CITATIONS, APPEALS

ARTICLE 4

JUNKED, WRECKED MOTOR VEHICLES

Section 8-401 NUISANCE  
Section 8-402 DEFINITIONS  
Section 8-403 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH  
MOTOR VEHICLES PROHIBITED; AND DECLARED A NUISANCE;  
EXCEPTIONS  
Section 8-404 PROCEDURES FOR ABATEMENT.  
Section 8-405 PRESUMPTION OF ABANDONMENT.  
Section 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.  
Section 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC  
PROPERTY.  
Section 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.  
Section 8-409 HEARING.  
Section 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.  
Section 8-411 NOTICE OF REMOVAL.  
Section 8-412 DUTY OF PRIVATE CONTRACTOR.  
Section 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR  
VEHICLES.  
Section 8-414 PENALTY; CONTINUING VIOLATIONS.

ARTICLE 5

DILAPIDATED BUILDINGS

Section 8-501 DEFINITIONS  
Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE  
REMOVAL  
Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS  
Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS,  
PROCEDURE, NOTICE  
Section 8-505 OTHER POWERS  
Section 8-506 EXCEPTION  
Section 8-507 REMOVAL OF GRAFFITI

ARTICLE 6

ENFORCEMENT

- Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES
- Section 8-602 OBSTRUCTING HEALTH OFFICER
- Section 8-603 QUARANTINE; VIOLATIONS

ARTICLE 7

HOSPITAL DEPARTMENT AND BOARD

- Section 8-701 CREATION OF BOARD
- Section 8-702 APPOINTMENT AND TERM
- Section 8-703 OFFICERS AND MEETINGS
- Section 8-704 POWERS AND DUTIES OF BOARD
- Section 8-705 MANAGEMENT OF HOSPITAL FUNDS
- Section 8-706 USE OF HOSPITAL FACILITIES
- Section 8-707 MEETINGS; EXAMINATIONS; PECUNIARY INTEREST
- Section 8-708 QUALIFICATIONS OF NURSES AND ATTENDANTS; PHYSICIANS AND SURGEONS
- Section 8-709 DONATIONS
- Section 8-710 ANNUAL REPORT
- Section 8-711 GROUNDS AND BUILDING

CHAPTER 8: HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

Section 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the City shall allow trash to accumulate, or weeds to grow or stand upon such real property.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-111C.

Section 8-102 DEFINITIONS.

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Cleaning" means the removal of trash from property;
2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
3. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which in uncared for, discarded or abandoned; and
4. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
  - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
  - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
  - c. Harbors rodents or vermin;

- d. Gives off unpleasant or noxious odors;
- e. Constitutes a fire or traffic hazard; or
- f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

Section 8-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the City who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the City, shall report the condition to the Mayor and City Council, if, as a result of the accumulation or growth, the premises appear to be:

- 1. Detrimental to the health, benefit and welfare of the public and the community;
- 2. A hazard to traffic; or
- 3. A fire hazard to property.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

Section 8-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY.

The City may cause property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

- 1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless the work is performed within ten (10) days of the date of the notice the work shall be done by the City and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the City. At the time of mailing of notice to the property owner, the City shall obtain a receipt of mailing from the

postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing of same, notice may be given by posting a copy of the notice on the property or by publication, as provided in Section 1-102 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action by the City. If the City anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by certified mail or publication, shall state:

- a. That any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the City;
- b. That the costs of such abatement shall be assessed against the owner; and
- c. That a lien shall be imposed on the property to secure such payment, all without further prior notice to the property owner.

At the time of each summary abatement the City Manager shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided in Section 8-105. Provided however, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this Section;

2. The owner of the property may give his written consent to the City authorizing the removal of the trash or the mowing of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the City;

3. The Mayor and City Council hereby designate the City Manager or designee (hereinafter referred to as the "zoning officer") to carry out the duties of the Mayor and City Council as provided by Sections 8-101 through 8-107 of this Article. A hearing may be held by the zoning officer of the City to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the Mayor and Council from any order of the zoning officer. Such appeal shall be taken by

filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered; and

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the agents of the City are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the City. Immediately following the cleaning or mowing of the property, the City Clerk shall file a notice of lien with the county clerk describing the property and the work performed by the City, and stating that the City claims a lien on the property for the cleaning or mowing costs.

Section 8-105 DETERMINATION AND ASSESSMENT OF COSTS.

The zoning officer shall determine the actual cost of such cleaning and mowing and any other expenses that may be necessary in conjunction therewith, including the cost of notice and mailing. The City Clerk shall forward by mail to the property owner specified in Paragraph 1 of Section 8-104 a statement of the actual cost and demanding payment. In cleaning and mowing are performed by the City, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Section 8-106 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the statement, the City Clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located, and the same shall be levied upon the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. At any time prior to collection as provided in this Section, the City may pursue any civil remedy for

collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, if any, the City Clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

Section 8-107 EXCEPTION

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, a municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this Article but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

Section 8-108 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this City.

Section 8-109 BURNING REFUSE.

A. It is unlawful to burn any trash or refuse or any type of material within the City.

B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under a permit issued by or in receptacles and conditions approved by the State Health Department or U.S. Environmental Protection Agency.

Section 8-110 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this City, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

Section 8-111 UNLAWFUL TO LITTER.

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the City or upon any real property owned or occupied by another.

B. It is unlawful for any person to litter.

Section 8-112 UNLAWFUL TO LITTER FROM AUTOMOBILES.

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the City any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

Section 8-113 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

Section 8-114 ABANDONED REFRIGERATOR; APPLIANCES.

A. It is unlawful for any person to leave in a place accessible to children any abandoned or discarded ice box, refrigerator, or other container which has an airtight door with a lock or fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock or fastener.

B. It is unlawful to utilize the premises of any property for the open storage of any stove or other appliance which has been abandoned, discarded or is in disrepair.

ARTICLE 2

FOOD AND RESTAURANTS

Section 8-201 FOOD SERVICE REGULATIONS ADOPTED

A. The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated by reference. At least one copy of the rules and regulations shall be on file in the office of the City Clerk.

B. Any person who violates any provision of such rules and regulations as provided hereinabove shall be guilty of an offense and if convicted shall be punished as provided by Section 1-108 of this code. In addition, any person convicted of violation may be enjoined from continuing the violation.

ARTICLE 3

NUISANCES

Section 8-301 DEFINITION.

A nuisance shall mean the doing of an act unlawfully or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health and safety of others; or

2. Offends decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any square, street highway or public parking; or

4. In any way renders other persons insecure in life, or in the use of property; or

5. Involves the maintenance of any building or structure within the City limits which by reason of age, dilapidation or decay is unsafe for occupancy; or constitutes a haven or refuge for vermin and rodents; or presents a fire hazard and endangers the security of other property; or

6. Permits the accumulation of rank vegetation, weeds, grass or other noxious matter or putrid substances; or in maintaining any

trash, piles of rubbish, manure or other refuse which is dangerous to health or which in any manner constitutes a fire hazard.

State Law Reference: Similar provisions, 50 O.S. Section 1.

Section 8-302 UNLAWFUL TO MAINTAIN NUISANCE.

No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.

Section 8-303 ABATEMENT.

A. In addition to prosecution for violation of Section 8-302, whenever a nuisance is found to exist, the City Manager may cause notice thereof to be given to the person maintaining or creating the nuisance or to the person owning or having control of the property upon which said nuisance exists, to abate such nuisance within the period of time stated in the notice, which shall be not less than three (3) days from the receipt of said notice. The notice shall be served personally or by certified mail. In the event the address is unknown or the person cannot be located the notice shall be posted upon the property involved and published in the official paper of the City for a period of five (5) days. If notice is published the person in charge shall have ten (10) days from the last publication in order to abate such nuisance. In the event the nuisance is not abated after such notice as required, the City Manager shall have the authority to abate it and charge the cost thereof to the person creating, maintaining or owning or in control of the property upon which the nuisance is created or maintained, and the person so charged shall be afforded an opportunity to appear and present witnesses and be heard. Should the governing body find that a nuisance has been created or maintained the person responsible shall be given a reasonable length of time to abate it.

B. Any person who fails to abate any nuisance as required by this article shall be guilty of an offense.

State Law Reference: Authority to define, prevent, remove and abate nuisances, 11 O.S. Section 22-121.

Section 8-304 PERSON RESPONSIBLE FOR CONTINUING NUISANCE

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property created by a former owner, is liable therefor in the same manner as the person who first created it.

Section 8-305 TIME DOES NOT LEGALIZE NUISANCE

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Section 8-306 REMEDIES AGAINST PUBLIC NUISANCES

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court.
2. Prosecution on information or indictment before a district or federal court or forum.
3. Civil action; and
4. Abatement:
  - a. By the person injured as provided in 50 O.S. 12 or
  - b. By the City in accordance with law or ordinance.

Section 8-307 REMEDIES AGAINST PRIVATE NUISANCES

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
  - a. By the person injured as provided in 50 O.S. 14, 15 or
  - b. By the City in accordance with law or ordinance.

Section 8-308 City HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE

As provided in Section 16 of Title 50, the City is empowered to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and public water supply, outside of its corporate limits. Whenever it is practical to do so, the City has the power summarily to abate any such nuisance after notice and an opportunity for him to be heard, if this can be done.

Section 8-309 SUMMARY ABATEMENT OF NUISANCES

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety and morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even require, the City or other appropriate officer or agency of the City government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. An officer of the City may submit a statement as to the existence of a nuisance as defined by this ordinance and a request or recommendation that it be abated.

C. The City or its designee shall determine if a nuisance exists as defined by the ordinances of the City or law. If a nuisance does in fact exist, City personnel shall direct the owner or other person responsible for or causing the nuisance by:

1. Certified mail; or
2. By publication if the owner cannot be so served or found,

to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or person or public adversely affected would not be unduly jeopardized by the consequently delay, or if the owner or other person responsible for or causing the nuisance does not abate it within the specified time, or if the persons responsible authorize the City to abate the nuisance, the City shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by 50 O.S. 16. The City shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the City collectible as other debts may be collected.

D. The determination of the existence of a nuisance and order to abate it, as made by the City, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the City within the period of time specified in the notice for abatement of nuisance. The City Clerk shall cause the matter to be placed on the agenda of the City Council for final determination with appropriate notice of the hearing provided to the person requesting the appeal.

Section 8-310 HEALTH NUISANCES; ABATEMENT

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the City shall have the authority to order the owner or occupant of any private premises in the City to remove from such premises, at his own expenses, 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 conditions adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the City or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, or if the occupant or agent is unknown or is outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the City.

B. If the order is not complied with, the City may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance.

Section 8-311 City ACTIONS NOT TO JEOPARDIZE PRIVATE ACTIONS

Nothing herein contained shall be construed to abridge the rights of citizens of the City to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

Section 8-312 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER

A. It is unlawful to place, deposit or leave any trash, debris, refuse or garbage on the property of another or on public property, including any public street, easement, sidewalk, or other public property, except where such disposal is expressly allowed by law.

B. It is unlawful to place, deposit or leave any trash, debris, refuse or garbage in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located.

Section 8-313 OPEN BURNING PROHIBITED

It is unlawful to burn any fire outside of any enclosed building in the City for the purpose of burning grass, trash, leaves, weeds, paper, refuse, garbage or any other substance except in an approved incinerator, or by obtaining a permit and payment of such fee as set out by the City, or by the approval of the Fire Chief or the City Manager.

Section 8-314 ABATEMENT BY SUIT IN DISTRICT COURT

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the district court.

Section 8-315 PROCEDURE CUMULATIVE

The procedure for abating nuisances prescribed in this chapter and by other provisions of law or ordinance shall be cumulative to one another. The City may elect to follow any such procedure which is applicable in abating any particular nuisance.

Section 8-316 TOILET FACILITIES REQUIRED

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

1. "Human excrement" means the bowel and kidney discharge of human beings.

2. "Sanitary water closet" means the flush type which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

B. Every owner of a residence or other building in which human reside, are employed or congregate within this City shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.

C. All human excrement disposed of within this City shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the City to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the City in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health are hereby declared to be public nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

F. No residence, business or commercial building, nor any other premises in the City, of located within three hundred (300) feet of any public sewer later or main shall be connected to or in any manner served by a septic tank; no such person shall allow the installation, maintenance, operation or use of any septic tank in violation of this section.

#### Section 8-317 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER

It is unlawful for any person to willfully obstruct or interfere with any health officer or other code enforcement officer charged with the enforcement of the health or nuisance laws of this City.

#### Section 8-318 LITTERING PROHIBITED GENERALLY

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this code. "Litter" means trash, refuse, rubbish and all like material.

#### Section 8-319 ABANDONED REFRIGERATORS

No person shall thrown, place, leave, drop, put or otherwise abandoned or discarded ice box, refrigerator or other container

which has an air-tight 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.

Section 8-320 ENFORCEMENT, CITATIONS, APPEALS

A. The City Manager is designated as the administrative officer to perform the duties of the city council with respect to public nuisance abatement. The City Manager may further delegate to the director of community development division or his staff the aforementioned duties of the City Manager, including the duty of administrative officer.

B. The City Manager or his designee are designated to issue citations for violations of Chapter 8, including nuisances, weeds and trash, abandoned vehicles and health laws.

C. Any administrative hearings for violations of the above-referenced sections shall be before an administrative officer designated by the City Manager. A hearing shall be scheduled on completion and filing with the City Clerk an application therefore, pursuant to the appropriate sections of this part, in accordance with the provisions contained therein.

D. Appeals from the decision of the administrative officer shall be to the municipal court, in accordance with the applicable code provisions.

ARTICLE 4

JUNKED, WRECKED MOTOR VEHICLES

Section 8-401 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the city in places other than authorized junk yard or other areas authorized by the city council and which tend to do any one or more of the followings:

1. Impeded traffic in the streets;
2. Reduce the value of private property;
3. Create fire hazards;
4. Extend and aggravate urban blight; or

5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the city, are hereby declared to be a nuisance.

Section 8-402 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

1. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" is any motor vehicle, which does not have lawfully affixed thereto both an unexpired licence plate or plates, the condition of which is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and is incapable of being moved under its own power and is not exempt from compliance by Section 8-402C. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean any motor vehicle located on any private or public property in the condition of which such motor vehicle is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and incapable of being moved under its own power, and is not exempt from compliance by Section 8-402B, and remains in such condition for a period of thirty (30) days, without regard to whether such motor vehicle has lawfully affixed thereto an unexpired licence plate or plates. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean motor vehicles used in demolition races or derbies or similar contests, tractors, trailers and motorcycles.

2. "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground or the water and shall include, but not be limited to, automobiles, buses, boats, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;

3. "Private property" means any real property within the city which is privately owned and which is not public property as defined in this Section; and

4. "Public property" means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

5. "Appropriate screen" shall mean an aesthetic barrier with a minimum opaque barrier not less than five (5) feet in height enclosing the junk motor vehicle. Such screen or barrier shall be dense landscaping, or a solid lumbar or masonry fence, wall or

combination thereof, and may include the use of the walls of the residence or other building or structure, similar existing fencing, similar existing dense landscaping, all of which shall be of at least an equivalent height and capacity, and located on such property to provide for such enclosure. If solid lumber fencing is used, it shall be treated or painted in earth tone colors.

Section 8-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.

A. No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind, whether attended or not, upon any public or private property within the city. The presence of a junk motor vehicle or parts thereof, on private or public property is hereby declared a nuisance and a public offense and may be abated as such in accordance with the provisions of this Chapter.

B. This Section shall not apply to any motor vehicle:

- a. Enclosed within a building on private property;
- b. Completely within an appropriate screen in the side or back yard on private property;
- c. Held, stored or parked in connection with a lawfully operated business enterprise and on property operated in the appropriate zone, pursuant to the zoning laws of the city;
- d. In operable condition and is not a junk motor vehicle as defined herein.
- e. Motor vehicles parked on private property which display an unexpired licence plate or plates, but which motor vehicles are temporarily out of service due to mechanical breakdown or damage, but only so long as the owner thereof makes diligent efforts to place same back into operable condition, and shall not remain on such private property in such condition for longer than thirty (30) days.

SECTION 8-404 PROCEDURES FOR ABATEMENT.

The provisions for abatement of "public nuisance" contained in section 8-101 et seq. of this code shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition,

whether attended or not, upon any public property within the city for a period of time in excess of twenty-four (24) hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

SECTION 8-405 PRESUMPTION OF ABANDONMENT.

A rebuttable presumption shall exist that vehicles have been abandoned when:

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

2. One or more wheels are flat or missing and the vehicle or boat displays an expired license or inspection tag;

3. Portions of the vehicle which are needed for its operation or control are missing.

4. The city has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or

5. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

SECTION 8-406 NOTICE TO REMOVE FROM PUBLIC PROPERTY.

Whenever it comes to the attention of the administrative officer that any junk vehicle, as defined herein, exists as a public nuisance in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance "Notification to Remove" shall be placed on the vehicle advising the owner of the violation of city code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable as provided in Section 8-108 of this code.

SECTION 8-407 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

SECTION 8-408 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The administrative officer or his designee shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The Notice of Removal shall contain the demand for removal within ten (10) days, and the Notice to Remove shall state that upon failure to comply with the Notice to Remove, the city shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

SECTION 8-409 HEARING.

A. Any person to whom any Notice to Remove is directed pursuant to the provisions of this chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the administrative officer within the ten-day compliance period, for the purpose of contesting the city's demand for removal. The administrative officer, chief of police or his designee and the city attorney or his designee shall constitute a hearing board to hear the request.

B. The hearing shall be held as soon as practicable, but not earlier than five(5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the city and the person to whom notice has been directed may introduce witnesses and evidence.

C. Persons to whom the Notice to Remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, may appear in municipal court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant to this chapter shall be assessed court costs in addition to any other

penalty assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the city attorney may recommend to the municipal court that charges be dropped.

SECTION 8-410 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the Notice to Remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by administrative officer or his designee, the city attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the city shall in the discretion of the administrative officer take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the city or the administrative officer authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

SECTION 8-411 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle, the administrative officer or his designee shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the vehicle or motor vehicle, has been impounded and stored for violation of this chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

SECTION 8-412 DUTY OF PRIVATE CONTRACTOR.

Any private contractor who causes the vehicle to be removed pursuant to the order of any authorized city employee, shall satisfy all state laws with respect to notice and sale, prior to satisfying its towing and storage lien.

SECTION 8-413 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of any vehicle or motor vehicle impounded under the provisions of this chapter may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the private contractor of such sum as may be determined to be the actual and reasonable expense of removal plus storage.

SECTION 8-414 PENALTY; CONTINUING VIOLATIONS.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall upon conviction be deemed guilty of an offense against the city. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in Section 1-108 of this code.

ARTICLE 5

DILAPIDATED AND UNSECURED BUILDINGS; GRAFFITI

Section 8-501 DEFINITIONS.

- A. As used in this Article:
1. "Dilapidated building" means:
    - a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public,
    - b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public,
    - c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by Section 8-504 of this Article, more than three times within any twelve-month period,
    - d. a structure which has been boarded and secured, as defined by Section 8-504 of this Article, for more than thirty-six (36) consecutive months, or
    - e. a structure declared by the municipal governing body to constitute a public nuisance.
  2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

Section 8-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE REMOVAL.

The City may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this Article:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the hearing provided for herein may be held. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to the provisions of this Section; or

2. The City Manager or his designee ("zoning officer") is hereby designated by the Mayor and City Council to carry out the duties of the Mayor and City Council specified in this Article. A hearing shall be held by the zoning officer of the City to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the zoning officer may cause the dilapidated building to be torn down and removed. The zoning officer shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the zoning officer at the hearing, and stating that the City claims a lien in the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the City are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner

within the dates fixed by the zoning officer. The property owner shall have the right of appeal to the Mayor and City Council from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered.

Section 8-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS

A. The zoning officer shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to the mortgage holder at the address provided in Section 8-502. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the City dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. When payment is made to the City for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. At any time prior to collection as provided for in this

paragraph, the City may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the City Clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

C. Nothing in the provisions of this Article shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

D. The officers, employees or agents of the City shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Article or as otherwise prescribed by law.

E. The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-504 BOARDING AND SECURING DILAPIDATED BUILDINGS, PROCEDURE, NOTICE.

A. After a building has been declared dilapidated, as provided in this Article, and before the commencement of the tearing and removal of a dilapidated building, the City Council may authorize such a building to be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the City may authorize the structure to be demolished pursuant to this Article.

B. The City may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with Article 1.

C. The zoning officer is hereby designated by the Mayor and City Council to carry out the following duties of the Mayor and City Council. The zoning officer may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the City orders such action, at least ten (10) days's notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 8-502. At the time of mailing of notice to any property owner or mortgage holder, the City Clerk shall obtain a receipt of mailing from the postal service, which

receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. Section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the City or zoning officer pursuant to the provisions of this Section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with subsection C.9. of this Section, the notice shall state: that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

2. The owner of the property may give his written consent to the City authorizing the boarding and securing of such unsecured building and to the payment of costs incurred thereby. By giving the written consent, the owner waives any right the owner has to a hearing by the City Council;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the City Council to determine whether the boarding and securing of the unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of Article 1. In making such determination, the City Council shall apply the following standard: the City Council may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.

4. After the City Council orders the boarding and securing of the unsecured building, the City Clerk shall immediately file a notice of lien with the county clerk describing the property, stating the findings of the City at the hearing at which such building was determined to be unsecured, and stating that the City claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal

obligation of the property owner from and after the date of filing the notice;

5. Pursuant to the order of the City Council, the agents of the City are granted the right of entry on the property for the performance of the boarding and securing of the building and for the performance of all necessary duties as a governmental function of the City;

6. After an unsecured building has been boarded and secured, the City Council shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and the mailing. The City Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs to any property owners and mortgage holders as provided in Section 8-503. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City Clerk shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the City boards and secures any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

7. When payment is made to the City for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the dilapidated building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem

to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

8. The property owner or mortgage holder shall have a right of appeal to the Mayor and City Council from any order of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered.

9. If the City causes a structure within the City limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the City Clerk shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the City Clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in subsection 1 of this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in subsection 7.

10. The Mayor and City Council may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this Section even though such building has not been declared, by the governing body, to be dilapidated.

11. For the purposes of this subsection:

- a. "Boarding and securing" or "Boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure,
- b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which

would facilitate an unauthorized entry into the structure, and

- c. "unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

Section 8-505 OTHER POWERS.

Nothing in the provisions of this Article shall prevent the City from abating an unsecured dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

Section 8-506 EXCEPTION.

The provisions of this Article shall not apply to any property zoned and used for agricultural purposes.

Section 8-507 REMOVAL OF GRAFFITI.

A. The City may cause graffiti to be removed from property within the City limits in accordance with the following procedures:

1. The property owner and the tenant, if any, may give their written consent to the City authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the City as otherwise required by this Section;

2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the City may remove the graffiti without such consent pursuant to the procedures set forth in this Section;

3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the City. At the time of mailing of notice to the property owner and the tenant, if any, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee(s). In addition, notice

shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the City. If the Mayor and City Council anticipates summary abatement of graffiti in accordance with the provisions of this Section, the notice shall state that any accumulations of graffiti on the property occurring within one (1) year from and after the date of the notice may be summarily abated by the City without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement.

4. A hearing may be held by the Mayor and City Council to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;

5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the agents of the City are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the City.

6. The City hereby designates the zoning officer to perform the functions set forth in this Section. The property owner and the tenant, if any, shall have a right of appeal to the Mayor and City Council from the decision of the zoning officer. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) business days after the administrative order is rendered.

B. If a notice is given by the City to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this Section, any subsequent accumulations of graffiti on the property occurring within a one (1) year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the City, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this Section.

C. Removal of graffiti by a City pursuant to the provisions of this Section shall be performed at the sole expense of the City.

In removing the graffiti, the City shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

D. Nothing in the provisions of this Section shall prevent the City from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

E. The City and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this Section.

F. For the purposes of this Section:

1. "Advertising" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;

2. "Graffiti" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;

4. "Removal," "remove," or "removed," when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and

5. "Tenant" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

ARTICLE 6

ENFORCEMENT

Section 8-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it may be construed to mean the director of the county health department or his duly designated representative unless another person is designated by the Mayor and City Council. It is the intent and purpose of the Mayor and City Council to delegate the enforcement of the health ordinances of this City as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing Council upon an appeal from an offender.

Section 8-602 OBSTRUCTING HEALTH OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer or officer charged with the enforcement of the health laws of this City.

Section 8-603 QUARANTINE; VIOLATIONS.

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

ARTICLE 7

HOSPITAL DEPARTMENT AND BOARD

Section 8-701 CREATION OF BOARD

There is hereby created a board for the city to be known as the Fairview Hospital Board, with all powers and duties as provided in this Article and in the laws of the state.

Section 8-702 APPOINTMENT AND TERM

The city council shall appoint a hospital board consisting of five (5) qualified persons who shall serve for staggered terms of five (5) years from the first day of May following their appointment. In case of a vacancy in the board, an appointment to fill the unexpired term shall be made in the same manner as the original appointment. The members of the board shall receive no

compensation for their services but shall be entitled to expenses actually incurred in the performance of their duties.

Section 8-703 OFFICERS AND MEETINGS

The board shall meet on the third Tuesday of each year or as soon thereafter as practical and elect a chairman, vice-chairman and secretary. It shall determine the time and place of the monthly meetings but the board shall have at least one (1) meeting per month. The chairman or any three (3) members are empowered to call special meeting of the board.

Section 8-704 POWERS AND DUTIES OF BOARD

The board shall exercise general control over the planning for and construction of a municipal hospital, and after its completion, the board shall establish general hospital policies, and provide a plan for the proper accounting of all funds received for hospital purposes, and for all funds distributed for the purpose of operating the hospital. The board shall appoint a superintendent of the hospital who shall be appointed solely on the basis of his experience and qualifications. The superintendent shall serve at the will of the board.

Section 8-705 MANAGEMENT OF HOSPITAL FUNDS

The city treasurer of the city is hereby designed as the treasurer of the board. He shall deposit all funds of the hospital in a special account in the municipal treasury designed as the "hospital fund". All money received by the board on account of the operation for the hospital, or otherwise, shall be paid by the city treasurer who shall deposit it in the hospital fund. Funds shall be paid only upon warrants authorized by the board, drawn and signed by its superintendent and countersigned by the chairman or vice-chairman. The board shall have the authority to establish a petty cash fund of not to exceed \$500.00.

Section 8-706 USE OF HOSPITAL FACILITIES

Subject to the approval of the board, the superintendent of the hospital shall make all necessary arrangements, rules and regulations with the doctors and surgeons for the effective use of all the facilities of the hospital.

Section 8-707 MEETINGS; EXAMINATIONS; PECUNIARY INTEREST

Complete records shall be kept of every meeting. Three (3) members shall constitute a quorum. One of its members shall visit and examine the hospital at least twice a month. No member of the

board shall have a pecuniary interest, either directly or indirectly, in the purchase of the hospital, unless the purchase is made on a competitive bid basis.

Section 8-708 QUALIFICATIONS OF NURSES AND ATTENDANTS; PHYSICIANS AND SURGEONS

It is the duty of the board to appoint none other than competent nurses and attendants for the hospital, and to employ competent and experienced physicians and surgeons to care for, and render medical and surgical treatment to the patients of the hospital.

Section 8-709 DONATIONS

any person desiring to make donations of money or property for the benefit of the hospital, or for the maintenance or endowment thereof, shall have the right to vest the title in the city, to be held and controlled thereby, when accepted, according to the terms of the donations, and as to such property the city shall be held to be a special trustee.

Section 8-710 ANNUAL REPORT

The board shall make, on or before the first day of October in each year, an annual report to the governing body of the city stating the condition of its trust on June 30 of that year, the various sums of money and property received, how such monies have been expended, for the what purpose, the financial condition of the hospital, the number of doctors, attendants, nurses and other employees, and such other information and suggestions as it may deem of general interest.

Section 8-711 GROUNDS AND BUILDING

The board shall have the power, with the approval of the city council, to purchase grounds and erect thereon a suitable building for the hospital and to suitably equip the same. The title to the grounds shall be taken in the name of the city as grantee.

page left intentionally blank

CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

ARTICLE 1

OCCUPATIONAL LICENSE FEES

Section 9-101 LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS  
Section 9-102 SEPARATE LICENSES REQUIRED  
Section 9-103 LICENSE TO BE DISPLAYED  
Section 9-104 LICENSE MAY BE REVOKED  
Section 9-105 TRANSFER OF LICENSE PROHIBITED  
Section 9-106 DUPLICATE LICENSE  
Section 9-107 ISSUANCE AND EXECUTION  
Section 9-108 SUBJECT TO STATE LAW AND CITY ORDINANCES  
Section 9-109 APPEALS  
Section 9-110 RECORDS REQUIRED FOR PAWNBROKERS  
Section 9-113 DRILLING OR DIGGING FOR THE PRODUCTION OF OIL AND GAS PROHIBITED

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201 DEFINITIONS  
Section 9-202 FRAUD, ETC.  
Section 9-203 REQUIRED  
Section 9-204 APPLICATION  
Section 9-205 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION  
Section 9-206 INVESTIGATION AND ISSUANCE  
Section 9-207 FEE  
Section 9-208 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER  
Section 9-209 TERM  
Section 9-210 DISPLAY  
Section 9-211 TRANSFER  
Section 9-212 EXCEPTION FOR INTERSTATE COMMERCE  
Section 9-213 HOURS OF SOLICITATION

ARTICLE 3

GARAGE SALES

Section 9-301 DEFINITIONS.  
Section 9-302 NUMBER, DAYS AND SIGNS.  
Section 9-303 PERMIT REQUIRED, FEE.

ARTICLE 4

TAXICABS

Section 9-401 DEFINITIONS.  
Section 9-402 LICENSE REQUIRED.  
Section 9-403 LICENSE FEE.  
Section 9-404 INSPECTION.  
Section 9-405 LIABILITY INSURANCE.  
Section 9-406 NAME OF OWNER.  
Section 9-407 APPLICATION FOR LICENSE.  
Section 9-408 CARD TO BE ISSUED.  
Section 9-409 CARD TO BE VISIBLE.  
Section 9-410 TAXI STANDS.  
Section 9-411 CHAUFFEUR'S LICENSE REQUIRED.  
Section 9-412 REVOCATION OF LICENSE.  
Section 9-413 LICENSE FEE IN LIEU OF OCCUPATION TAX.  
Section 9-414 REGULAR PLACE OF BUSINESS, TELEPHONE.

## CHAPTER 9: LICENSING AND BUSINESS REGULATIONS

## ARTICLE 1

## OCCUPATIONAL LICENSE FEES

Section 9-101 LICENSE REQUIRED, FEE LEVIED ON CERTAIN OCCUPATIONS.

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation, privilege or other activity for which a license is required or a license fee or tax is levied by any provision of this code or other ordinance of the City, without paying the license fee or tax and securing and possessing a valid license therefor.

B. A license fee is levied on every person engaging in, exercising, or pursuing any of the businesses, professions, trades, occupations, or privileges in this City, as may be provided by the City Council.

C. In order to receive a license under this code, every person, firm or corporation regulated pursuant to this Section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject collection of sales taxes under the sales tax code of the City and state. A copy of this permit shall be provided by the applicant for a license to the City Clerk prior to issuance of the City license.

Cross Reference: See also 3-101 et seq. on alcohol and beer licenses, 5-201 et seq. on plumbers, electricians.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Section 22-106, 22-107.

Section 9-102 SEPARATE LICENSES REQUIRED.

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the City, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

Section 9-103 LICENSE TO BE DISPLAYED.

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall

conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who request to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement device, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

Section 9-104 LICENSE MAY BE REVOKED.

Any license issued by the City to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the City Council after adequate opportunity for a hearing.

Section 9-105 TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this City.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

Section 9-106 DUPLICATE LICENSE.

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the City Clerk an affidavit that the licensee has in fact lost or destroyed the license without any wrongful act of connivance by the licensee.

Section 9-107 ISSUANCE AND EXECUTION.

The City Clerk shall issue a license required by this code or other ordinance, when the applicant has filed a proper application, therefor, paid the required tax or fee and complied with all other requirements prescribed for obtaining such license. Each such license so issued shall be signed by the Mayor and City Clerk and the corporate seal of the City shall be affixed thereto. Such license shall be in suitable form and express the purpose for which it is issued.

Section 9-108 SUBJECT TO STATE LAW AND City ORDINANCES.

All licenses shall be issued subject to the ordinances of the City and the laws of the state. No license shall be construed as authority to do or omit to do any act in violation of law or ordinance.

Section 9-109 APPEALS.

In the event any applicant shall be denied a license by the City Clerk, said applicant shall have the right to appeal to the City Council at the next regularly scheduled meeting, and said City Council shall have the right and power to overrule said denial and to issue a license.

Section 9-110 RECORDS REQUIRED FOR PAWNBROKERS

A. Every pawnbroker shall keep at his place of business a register, in which he shall record in ink an adequate description of all property purchased, taken or received by him, including any number that may be on such property, the date the transaction was made, the name, address and telephone number of the person leaving or pledging the property. He shall record the amount loaned, the interest charged and the time the loan is to come due. All entries shall be made within one hour of the transaction. The register shall be clean and legible.

B. The pawnbroker shall give without charge the person leaving or pledging the property a legible ticket containing a true copy of all entries made in the register concerning the property left or pledged.

C. The register required to be kept shall be subject to inspection at any time by any police officer of the city or sheriff or deputy sheriff of the county. Upon request, the pawnbroker shall show to such officer for inspection any article or articles taken, pledged or received unless such articles have already been disposed.

D. No pawnbroker may purchase, take or receive any property or operate a place of business on Sundays or between the hours of 9:00 p.m. and 6:00 a.m. on any day.

Section 9-113 DRILLING OR DIGGING FOR THE PRODUCTION OF OIL AND GAS PROHIBITED

A. It is unlawful for any person, firm or corporation to drill or dig a well for oil or natural gas within the city.

B. In addition to being an offense and punishable as such, such drilling, digging, or production is also declared to be a public nuisance and subject to abatement as such.

ARTICLE 2

SOLICITORS AND CANVASSERS

Section 9-201 DEFINITIONS.

A. As used in this Article the terms "solicitor" or "canvasser," shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of every nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

B. As used in this Article the term "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance.

C. As used in this Article, the term "itinerant merchant/transient street vendor" shall mean any person engaged in the business or occupation of selling any merchandise, products or services from a temporary indoor or outdoor location obtained from an owner or lease holder or obtained by occupying the location without permission, or by occupying a location on a street right-of-way. Itinerant merchant/transient street vendors will not include:

1. Participants in wholesale trade shows or conventions, trade fairs, or flea markets;

2. Sellers of Bibles, agricultural goods, including Christmas trees and firewood, or crafts or items made by hand;

3. Participants in fairs and convention center activities conducted primarily for amusement or entertainment;

4. Participants in residential garage sales; or

5. Individuals who maintain a permanent place of business in this state and has a registered agent therein upon whom process, notice or demand permitted by law may be made.

D. As used in this Article, the term "coupon book seller" shall mean any individual, traveling by foot or any means whatsoever, from place to place, from building to building, from house to house, or from street to street, or contacting persons by telephone, taking or attempting to take orders for sales of coupon books which are to be used for discounts or free goods, wares, merchandise, personal property of every nature whatsoever, for future delivery, whether or not such individual has, carries or exposes for sale a sample of the coupon book for sale or whether he is collecting advance payments on such sales or not.

Section 9-202 FRAUD, ETC.

It shall be unlawful and an offense for any solicitor, peddler, itinerant merchant/transient street vendor, or coupon book seller:

1. To harass, threaten, coerce, or otherwise unreasonably apply duress to any citizen or otherwise breach the peace while attempting to perform the services of a solicitor or coupon book seller;

2. To fail to provide any goods or services which have been paid for, in full or in part;

3. To defraud, trick, cheat or otherwise mislead any person into subscribing for or purchasing any good or service when the solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller knows or should know that the good or service will not be provided or delivered.

Any person denied a license may appeal to the City Council by filing notice thereof with the City Clerk within five (5) days of the denial. The City Council shall render a decision at its next regular meeting.

Section 9-203 REQUIRED.

A. No person shall engage in the business of solicitor without first having obtained a solicitor's license, except persons soliciting on behalf of public schools or educational, religious or eleemosynary institutions.

B. No person shall engage in the business of peddler without first having obtained a peddlers license, except persons peddling on behalf of public schools or educational, religious or eleemosynary institutions.

C. No person shall engage in the business of itinerant merchant/transient street vendor without first having obtained an itinerant merchant/transient street vendor's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

D. No person shall engage in the business of coupon book seller without first having obtained a coupon book seller's license, except persons selling on behalf of public schools or educational, religious or eleemosynary institutions.

E. No person shall employ any person covered by subsection A or D hereof without having obtained a solicitor's business license or a coupon book seller's business license.

State Law Reference: Authority to license solicitors, 11 O.S. Section 22-106.

Section 9-204 APPLICATION.

An application for a solicitor's, peddler's, itinerant merchant/transient street vendor's or coupon book seller's license shall be sworn to and filed with the City Clerk. It shall contain the following:

1. Full name, description, birth date, and social security number of each individual applicant.

2. Address, both permanent and local.

3. Nature of business and kinds of goods to be sold, and if applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates and controls.

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

5. Description and license number or other identification of any vehicle to be used.

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

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma Sales Tax claimed.

9. The names of at least two (2) reliable property owners in the City, provided, however, for itinerant merchant/transient street vendors, two (2) reliable property owners from within the state will suffice, who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

10. Documents from the county court clerk's office that establish that the business has complied with state law, in particular the requirements of posting bond pursuant to Title 19 of Oklahoma Statutes Section 1608. This provision is to apply only to itinerant merchant/transient street vendors.

Section 9-205 SOLICITOR'S BUSINESS LICENSE AND COUPON BOOK SELLER'S LICENSE; APPLICATION.

An application for a solicitor's business license or a coupon book seller's business license shall be sworn to and filed with the City Clerk. It shall contain the following:

1. Name and description of applicant, and, if applicable, corporation, business or firm represented.

2. Address of applicant, both permanent and local, and, if applicable, address of corporation, business or firm represented.

3. A description of the nature and type of business to be carried on, including kinds of goods to be sold. For coupon book sellers, a copy of all contracts with merchants for delivery of goods and services. For solicitors and coupon book sellers, a copy of the sales pitch shall be furnished the City if one is to be made over the telephone.

4. Description and license number or other means of identification of automobiles or means of transportation to be used, if any.

5. The names of at least two (2) reliable property owners in the City who will certify as to the applicant's good character and business responsibility, or other available evidence as to good character and business responsibility of the applicant.

6. A statement as to whether or not the applicant or any employees of applicant have been convicted of a crime or misdemeanor or violation of any municipal ordinance and if so, the nature of the same and the punishment assessed therefor.

7. Verification of payment of sales tax to the Oklahoma Tax Commission.

8. Whether merchandise or goods are tax exempt and exemption from Oklahoma and local sales tax claimed.

9. The names, addresses and description of all solicitors and peddlers employed by applicant.

Section 9-206 INVESTIGATION AND ISSUANCE.

A. Upon receipt of the application for a solicitor's license, solicitor's business license, coupon book seller's license, or coupon book seller's business license, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

B. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the chief of police shall so endorse on the application and return it to the City Clerk, and no license shall be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall so endorse on the application and return it to the City Clerk who shall then issue the license upon payment of the required fee.

Section 9-207 FEE.

No person shall be issued a solicitor's, peddler's, itinerant merchant/transient street vendor's, coupon book seller's license, solicitor's business license or coupon book seller's business license until he pays a license fee as set forth in the City's fee schedule.

Section 9-208 EMPLOYER OF SOLICITOR OR COUPON BOOK SELLER  
VICARIOUSLY LIABLE FOR ACTS OF SOLICITOR OR COUPON BOOK SELLER.

For purposes of the suspension or revocation of a solicitor's business license or a coupon book seller's license, it shall be sufficient to show that any solicitor or seller in the employ of such license holder has violated any provisions of this article.

Section 9-209 TERM.

Any license issued pursuant to the terms of this article shall expire one year from the date of its issuance.

Section 9-210 DISPLAY.

Solicitors, peddler, itinerant merchant/transient street vendors and coupon book sellers employing solicitors, peddlers, itinerant merchant/transient street vendors and coupon book sellers shall exhibit their licenses at the request of any person.

Section 9-211 TRANSFER.

No license issued under the provisions of this article shall be transferable.

Section 9-212 EXCEPTION FOR INTERSTATE COMMERCE.

If any individual, whether a solicitor, peddler, itinerant merchant/transient street vendor or coupon book seller is engaged in interstate commerce, the individual must bring in proof of the interstate commerce nature of his business to the City Clerk. The City Clerk will make a determination of whether or not the business does involve interstate commerce. If it does, a license will be issued and the fee will be waived. If not, the individual can be licensed pursuant to the licensing requirements in this chapter. A denial of the interstate commerce exception of the fee process may be appealed to the City Council.

Section 9-213 HOURS OF SOLICITATION

No solicitation shall be conducted except between the hours of 9:00 a.m. and ending at 7:00 p.m.; providing solicitation is prohibited on Sunday. Solicitations may be made where the person solicited has agreed by previous appointment for a time other than the prescribed hours.

CHAPTER 3

GARAGE SALES

SECTION 9-301 DEFINITIONS.

For the purpose of this chapter "garage sale," "yard sale," or "porch sale" means any collection of items of merchandise offered for sale at, inside or in the yard adjacent to a residence.

SECTION 9-302 NUMBER, DAYS AND SIGNS.

A garage or similar sale shall not exceed one in number for any quarter. No individual sale may exceed three (3) days in length. Advertising signs for such sales shall be limited to one sign posted on the premises and no other signs.

SECTION 9-303 PERMIT REQUIRED, FEE.

A. Prior to conducting a garage or similar sale within the city, the person conducting same shall be required to obtain a permit therefore from the City Clerk. Application to conduct the garage sale shall be made to the City Clerk upon a form to be furnished by the clerk showing the individual or organization holding the sale and the address.

B. The fee for such permits shall be set by the city by motion or resolution, which shall be deemed to be in lieu of any occupation tax requiring by existing ordinance.

C. In the event that the City Clerk determines that more than one (1) garage sales, yard sales or porch sales have already been held at the proposed location within the current quarter, then no such permit shall be issued.

ARTICLE 4

TAXICABS

SECTION 9-401 DEFINITIONS.

For the purpose of this article, "taxicab" means any vehicle carrying passengers for hire.

SECTION 9-402 LICENSE REQUIRED.

No person shall operate a taxicab in the city in intra-city business without first having obtained from the City Manager a

license therefore, and without having complied with all other provisions of this chapter.

SECTION 9-403 LICENSE FEE.

The fee for the license shall be as set by the council by motion or resolution for the first taxicab license and for each additional license. Licenses shall extend from the first day of May until the last day of April following, and full license fee must be paid for any part of the year.

SECTION 9-404 INSPECTION.

No vehicle shall be licensed as a taxicab until it has been thoroughly inspected by the police chief, or such other official as the City Manager shall direct, and found to be in safe, satisfactory, and sanitary condition for the transportation of passengers. All such licensed cabs shall thereafter be inspected in the same manner quarterly between the first and fifth of January, April, July and October of each year. If any vehicle licensed as a taxicab is involved in a collision or accident, notice thereof shall be given to the City Manager or to such other official as the City Manager may direct, and an inspection shall be made of the cab before it can be again used in service. The report of all such examinations shall be filed with the City Manager.

SECTION 9-405 LIABILITY INSURANCE.

Upon application being granted, the applicant shall, before the license is issued, take out liability insurance, in a reliable company to be approved by the City Manager, in a sum not less than Fifty Thousand Dollars (\$50,000.00) for each taxicab licensed. The applicant must also file competent evidence with the City Manager that the policy covers the period for which a license is to be granted.

SECTION 9-406 NAME OF OWNER.

Every taxicab licensed under this chapter shall have the name of the owner thereof plainly painted in a conspicuous place on the taxicab in letters at least one and one-half (1 ½) inches in height.

SECTION 9-407 APPLICATION FOR LICENSE.

Any person desiring a license for a taxicab shall make written application therefor to the City Manager upon blanks furnished by the City Manager. The application shall contain the full name and

address of the owner, the make, model and year of manufacture of the car, the engine and factory number of the same.

SECTION 9-408 CARD TO BE ISSUED.

Upon a license being granted, there shall be delivered to the licensee a card of such size and form as may be determined by the City Manager. Such card shall contain the official city license number of the taxicab and shall be signed by the City Manager. Licenses shall not be transferable, with the exception that a license may be transferred from one car to another of the same ownership, with the approval of the City Manager.

SECTION 9-409 CARD TO BE VISIBLE.

The license card above referred to shall be affixed in a place in the taxicab so that same is visible to any passenger.

SECTION 9-410 TAXI STANDS.

Any person obtaining a taxicab license shall be entitled to have set off two (2) parking stands or spaces where the taxicabs may stand while waiting calls or passengers. Such parking spaces shall be assigned by the City Manager, subject, however, to the person first obtaining written permission from the primary tenant of the land immediately adjacent to the space so desired. The permission so obtained shall be renewed and refilled with the City Manager at the time of renewal of any taxicab license.

SECTION 9-411 CHAUFFEUR'S LICENSE REQUIRED.

No person shall drive or operate a taxicab unless the person shall have first obtained a chauffeur's license from the state.

SECTION 9-412 REVOCATION OF LICENSE.

The city council, after opportunity for public hearing, may revoke any taxicab license whenever a violation of any provision of this chapter is shown.

SECTION 9-413 LICENSE FEE IN LIEU OF OCCUPATION TAX.

The license fee herein provided for shall be in lieu of occupation license taxes required by the city.

SECTION 9-414 REGULAR PLACE OF BUSINESS, TELEPHONE.

Any person obtaining a taxicab license as herein provided and doing intra-city business within the city shall be required to have

a regular place of business and to maintain a telephone at that place of business.

page left intentionally blank

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL

SECTION 10-101 ATTEMPT TO COMMIT AN OFFENSE  
SECTION 10-102 AIDING AND ABETTING  
SECTION 10-103 - 10-109 RESERVED

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

SECTION 10-201 ASSAULT  
SECTION 10-202 BATTERY  
SECTION 10-103 FIGHTS OR QUARRELS  
SECTION 10-104 - 10-106 RESERVED

ARTICLE 3

OFFENSES INVOLVING PROPERTY

SECTION 10-301 DEFINITIONS  
SECTION 10-302 TRESPASS ON PUBLIC PROPERTY  
SECTION 10-303 TRESPASS ON PRIVATE PROPERTY  
SECTION 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY  
SECTION 10-305 LARCENY  
SECTION 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.  
SECTION 10-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT  
AUTHORIZATION  
SECTION 10-308 DEFRAUDING PUBLIC ACCOMMODATIONS, PROOF; EXCEPTION  
SECTION 10-309 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S  
AUTHORITY TO DETAIN  
SECTION 10-310 CONGREGATING, PARKING ON PREMISES AFTER HOURS  
SECTION 10-311 POSTING ADVERTISING ON PUBLIC OR PRIVATE BUILDING  
SECTION 10-312 ELECTRIC FENCES PROHIBITED

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

SECTION 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC  
SECTION 10-402 PROSTITUTION

SECTION 10-403 GAMBLING, DEFINITION  
SECTION 10-404 GAMBLING GAMES PROHIBITED  
SECTION 10-405 SLOT MACHINES  
SECTION 10-406 GAMBLING ROOMS AND PARAPHERNALIA  
SECTION 10-407 DISORDERLY PLACES, DEFINITIONS  
SECTION 10-408 MAINTAINING A DISORDERLY HOUSE  
SECTION 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE  
SECTION 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

SECTION 10-501 RIOTOUS CONDUCT; DISTURBING PEACE  
SECTION 10-502 UNLAWFUL ASSEMBLY  
SECTION 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.  
SECTION 10-504 FIGHTING WORDS OR GESTURES  
SECTION 10-505 FALSE ALARMS  
SECTION 10-506 REMOVAL OF BARRICADES  
SECTION 10-507 ELUDING POLICE OFFICERS  
SECTION 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

SECTION 10-601 OBSTRUCTING OR INTERFERING WITH OFFICAL PROCESS  
SECTION 10-602 RESISTING ARREST  
SECTION 10-603 AIDING IN ESCAPE  
SECTION 10-604 ESCAPES FROM CUSTODY  
SECTION 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

SECTION 10-701 CARRYING DANGEROUS WEAPONS  
SECTION 10-702 RECKLESS CONDUCT  
SECTION 10-703 DISCHARGING FIREARMS; EXCEPTIONS  
SECTION 10-704 FIREWORKS REGULATED

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

SECTION 10-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED  
SECTION 10-802 POSSESSION, INTOXICATING AND NONINTOXICATING  
BEVERAGES  
SECTION 10-803 DEFINITIONS  
SECTION 10-804 POSSESSION

SECTION 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES  
SECTION 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.  
SECTION 10-807 DRIVING UNDER THE INFLUENCE OR WHILE IMPAIRED OR  
IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE

ARTICLE 9

CURFEW

Section 10-901 CURFEW FOR MINORS.

ARTICLE 10.

PREVENTION OF YOUTH ACCESS TO TOBACCO

Section 10-1001 DEFINITIONS  
Section 10-1002 OFFENSE TO SELL OR FURNISH CERTAIN PERSONS  
TOBACCO PRODUCTS  
Section 10-1003 OFFENSE FOR CERTAIN PERSONS TO PURCHASE,  
ACCEPT OR POSSESS TOBACCO PRODUCTS  
Section 10-1004 FURNISHING OR DISTRIBUTING TOBACCO PRODUCT  
SAMPLES  
Section 10-1005 OFFENSE FOR SELLING CIGARETTES EXCEPT IN  
THEIR ORIGINAL, SEALED PACKAGE  
Section 10-1006 MISCELLANEOUS  
Section 10-1007 CITY BUILDINGS

CHAPTER 10: MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL

Section 10-101 ATTEMPT TO COMMIT AN OFFENSE.

Any person who attempts to commit a violation of any City ordinance and does any act toward the commission thereof, but fails or is prevented or interrupted from committing such violation, is guilty of an offense.

State Law Reference: Attempts, 21 O.S. Section 41 et seq.

Section 10-102 AIDING AND ABETTING.

No person shall knowingly aid, abet or assist, directly or indirectly, any other person in the commission of a violation of a City ordinance.

State Law Reference: Aiding in a misdemeanor, 21 O.S. Section 28.

Section 10-103 - 10-109 RESERVED.

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

Section 10-201 ASSAULT.

A. No person shall commit an assault.

B. As used in subsection A the term "assault" shall mean any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

State Law Reference: Assault defined, 21 O.S. Section 641; punishment for assault, 21 O.S. Section 644.

Section 10-202 BATTERY.

A. No person shall commit a battery.

B. As used in subsection A the term "battery" shall mean any willful and unlawful use of force or violence upon the person of another.

State Law Reference: Battery defined, 21 O.S. Section 642; punishment for battery, 21 O.S. Section 644.

Section 10-103 FIGHTS OR QUARRELS.

No person shall wrangle, quarrel, fight or challenge another to fight within the City.

State Law Reference: Disturbing the peace by fighting, quarreling, etc. 21 O.S. Section 1362; duels and challenges, 21 O.S. Section 661 et seq.

Section 10-104 - 10-106 RESERVED.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

Section 10-301 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Petit larceny" shall mean the taking of personal property not exceeding Five Hundred Dollars (\$500.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

"Private property" shall mean any property other than public property.

"Public property" shall mean that property which is dedicated to the public use and over which the federal, state or municipal governments or any political subdivision thereof exercises control and dominion.

State Law Reference: Larceny defined, 21 O.S. Section 1701; petit larceny defined, 21 O.S. Section 1704.

Section 10-302 TRESPASS ON PUBLIC PROPERTY.

A. No person shall trespass on public property.

B. As used in this Section:

1. "Trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the

provisions of any official sign posted to regulate and govern such entry or use.

2. "Official sign" shall mean any permanently fixed notice posted by the federal, state or municipal government owning or maintaining any said public property.

C. No person, who has the possession of any weapon, other than those persons exempted in this subsection, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any such weapons on said public property; provided however, the provisions of this subsection shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are under contract with the posting entity which owns, controls, leases or operates the posted premises.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-303 TRESPASS ON PRIVATE PROPERTY.

A. No person shall trespass on private property.

B. As used in subsection A, the term "trespass" shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. "Trespass" shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operation are posted upon such premises. "Trespass" shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

C. It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private) when such entrance is plainly forbidden by signs or otherwise when the

property, area or structure is enclosed, except when such entrance is in the line of duty, or with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance.

State Law Reference: Trespass, 21 O.S. Section 1835.

Section 10-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY.

No person shall maliciously injure, deface or destroy any real or personal property, either public or private, which is not his own.

State Law Reference: Tampering, destroying, etc., property, 21 O.S. Section 349, 372, 1751, 1753-1755, 1757, 1758, 1759, 1762, 1765, 1767.1, 1768, 1770-1779, 1784-1787, 1789, 1831.

Section 10-305 LARCENY.

No person shall commit the offense of petit larceny.

State Law Reference: Larceny, 21 O.S. Section 1704, 1706, 1709, 1710, 1723, 1722, 1731.

Section 10-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.

A. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of Five Hundred Dollars (\$500.00), or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.

B. As used in this Section:

1. The term "false or bogus check or checks" shall include checks or orders given for money or property or in any case where the maker receives a benefit or thing of value which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date

the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

2. The word "credit" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

State Law Reference: Similar provisions, 21 O.S. Section 1541.1, 1541.4, 1541.5.

Section 10-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION.

No person shall obtain any water, gas, electricity, cable or other type of service from any public utility except by express authorization and in the manner directed by such public utility.

Section 10-308 DEFRAUDING PUBLIC ACCOMMODATIONS, PROOF; EXCEPTIONS

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

B. Proof that lodging, food and other accommodations were obtained by false pretenses or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, without paying or offering to pay for the food, lodging or other accommodations or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of the attempt to defraud.

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

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

Section 10-309 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT' AUTHORITY TO DETAIN

Any person concealing unpurchased merchandise of any establishment on the on premises or outside the premises of the

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

Section 10-310 CONGREGATING, PARKING ON PREMISES AFTER HOURS

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

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

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

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

activities, offices, banks or other financial institutions, manufacturing, or professional services.

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

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

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

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

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

#### Section 10-311 POSTING ADVERTISING ON PUBLIC OR PRIVATE BUILDING

A. No person shall place upon any public or private building or utility pole or other public property any advertising matter of any kind, nor print or exhibit printing, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.

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

Section 10-312 ELECTRIC FENCES PROHIBITED

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

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

Section 10-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC.

No person shall appear in a state of nudity or make any indecent exposure of his genitals or perform any lewd act in any public place not designed for same.

State Law Reference: Indecent exposure, public lewdness, etc., 21 O.S. Section 1021.

Section 10-402 PROSTITUTION.

A. It shall be unlawful for any person to commit an act of prostitution.

B. No person shall knowingly or intentionally pay, or offer or agree to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person.

C. As used in subsection A the term "prostitution" shall mean any sexual intercourse or deviate sexual conduct, which is performed for money or other property.

State Law Reference: Prostitution, 21 O.S. Section 1028 et seq.

Section 10-403 GAMBLING, DEFINITION.

As used in the division the term "gambling game" shall mean any game of faro, monte, poker, roulette, craps, wheel of fortune,

or any banking or percentage game, or any other gambling game of chance played with dice, cards or any other device whatsoever for property, money, checks, credit or any other representation of value.

Section 10-404 GAMBLING GAMES PROHIBITED.

No person shall deal, play or carry on, or open or cause to be opened, or to conduct, either as principal or agent, whether for hire or otherwise, any gambling game.

Section 10-405 SLOT MACHINES.

No person shall set up, operate or conduct, or permit to be set up, operated or conducted in or about his place of business whether as owner, employee or agent, any slot machine or other mechanical or electrical device for the purpose of having or allowing it to be played for money, property, checks, credits, or for any other representation of value.

State Law Reference: Similar provisions, 21 O.S. Section 941.

Section 10-406 GAMBLING ROOMS AND PARAPHERNALIA.

Any person who keeps or maintains a gaming room, gaming table, or any policy or pool tickets used for gaming, or knowingly permits a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or any person having any gaming paraphernalia in his possession, shall be guilty of an offense.

State Law Reference: Gambling, generally, 21 O.S. Section 941-995.18.

Section 10-407 DISORDERLY PLACES, DEFINITIONS.

As used in this chapter the term "disorderly house" shall mean any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

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

2. The violation of any ordinance or state statute regulating the sale, distribution, possession or use of alcoholic beverages

including beer containing more than one-half of one per cent alcohol by volume; or

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

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

Section 10-408 MAINTAINING A DISORDERLY HOUSE.

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

State Law Reference: Keeping a disorderly house, 21 O.S. Section 1026.

Section 10-409 LEASING PROPERTY FOR DISORDERLY HOUSE.

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

B. The occurrence of any act in any house, building, structure, tent, vehicle, mobile home, or recreational vehicle which results in the conviction of any person in the municipal court for a violation of this Article, or of Section 10-408, shall, after the lapse of thirty (30) days from such conviction, constitute notice to all owners, lessors, and other persons having control thereof that such premises are being occupied as a disorderly house. However, no such notice as contemplated by this subsection shall be effective unless written notice of such conviction shall have been delivered in person to such owner, lessee, or other person having control over such premises by a duly authorized officer of the police department.

C. Any person required to discontinue any lease or permitted use of property by subsections A and/or B herein shall not accept any rents, fees, profits or consideration of any type from the lessees or other persons or corporations occupying or in control or possession of the premises at the time the disorderly house requiring such discontinuance of lease or permitted use occurred.

Each day for which such rent, fee, profit or consideration is accepted shall constitute a separate offense.

State Law Reference: Leasing property for a disorderly house, 21 O.S. Section 1027.

Section 10-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES.

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

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

Section 10-501 RIOTOUS CONDUCT; DISTURBING PEACE.

No person shall conduct himself in a riotous or disorderly manner, or make or cause to be made any loud, or unnecessary, or offensive noise, or wantonly disturb the quiet of the City or any lawful assembly of persons, or any church or religious meeting or any house, family or neighborhood, or any person.

State Law References: Riot generally, 21 O.S. Section 1311 et seq.; grossly disturbing the peace, 21 O.S. Section 22; disturbing the peace, 21 O.S. Section 1362.

Section 10-502 UNLAWFUL ASSEMBLY.

A. Any person who collects or assembles in crowds and bodies for unlawful or mischievous purposes in any place in the City to the annoyance or inconvenience of other persons, or who shall be involved in, or incite or attempt to incite a riot, or who shall fail to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. No three (3) or more persons shall assemble together or act in concert to do any act with force and violence against the property of the City, the person or property of another, or against the peace, or to the terror of others or make any movement or preparation therefor. No person shall remain present at the place of such assembly after being warned by a police officer to disperse.

State Law Reference: Riots and unlawful assembly, 21 O.S. Section 1311 et seq.

Section 10-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.

Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

Section 10-504 FIGHTING WORDS OR GESTURES.

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense.

State Law Reference: Similar provisions, 21 O.S. Section 1362.

Section 10-505 FALSE ALARMS.

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

Section 10-506 REMOVAL OF BARRICADES.

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

Section 10-507 ELUDING POLICE OFFICERS.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police vehicle, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does willfully attempt in any other manner to elude such

police officer, or who does elude such peace officer, is guilty of an offense.

Section 10-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

It is unlawful for any person to disturb the peace and quietude of any part of the City by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this Section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

Section 10-601 OBSTRUCTING OR INTERFERING WITH OFFICIAL PROCESS.

No person shall oppose, obstruct or otherwise interfere with a police officer or other peace official in the discharge of his official duties.

State Law Reference: Obstructing police officers, 21 O.S. Section 540.

Section 10-602 RESISTING ARREST.

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

B. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

4. Resisting arrest is an offense.

Section 10-603 AIDING IN ESCAPE.

No person shall set at liberty or rescue or attempt by force or in any other manner to set at liberty any person who is under the legal custody and charge of an officer.

Section 10-604 ESCAPES FROM CUSTODY.

No person held in custody by any peace officer shall escape or attempt to escape from such officer or to attempt to break jail.

State Law Reference: Attempts to escape from jail, 21 O.S. Section 436.

Section 10-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

No person shall impersonate any officer or employee of the City or falsely represent himself to be such an officer or employee or exercise any duties, functions and powers of any such officer or employee.

State Law Reference: Impersonation of public officer, 21 O.S. Section 263, 264, 1533.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

Section 10-701 CARRYING DANGEROUS WEAPONS.

A. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any dagger, Bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, prohibited knife, blackjack, loaded can, billy, hand chain, metal knuckles or any other offensive or dangerous weapon.

B. The provisions of subsection A shall not prohibit the proper use of knives for hunting, fishing or recreational purposes, nor shall subsection A be construed to prohibit any use of weapons in a manner otherwise permitted by City ordinance or state statute.

C. As used in subsection A the term "prohibited knife" shall mean any knife which is not being carried while engaged in the performance of a lawful occupation or business, when such knife is:

9. Over six (6) inches in length; or
2. Has a blade over four (4) inches in length.

D. The police department shall seize the weapon upon the arrest of, or issuance of a citation to, any person for violating subsection A. Upon conviction of such a person of a violation of subsection A such weapon shall be forfeited to the City.

State Law Reference: Carrying dangerous weapons, 21 O.S. Section 1272.

Section 10-702 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

Section 10-703 DISCHARGING FIREARMS; EXCEPTIONS.

A. No person shall discharge any species of firearms, in the City except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property or when otherwise authorized by law or ordinance.

B. It is unlawful to discharge a rifle, firearm, BB gun, dart gun, or pellet gun within the City limits.

Section 10-704 FIREWORKS REGULATED.

A. For the purpose of this Section "fireworks" shall have the meaning prescribed by state law, Section 1622 of Title 68 of the Oklahoma Statutes.

B. The manufacture, sale, furnishing, storage, discharge, firing or use of fireworks within the corporate limits of the City is hereby prohibited.

C. The city manager, in conjunction with chief of the fire department, shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the City, fair associations, amusement parks and other organizations, in accordance with the City's fire code.

D. The chief of the fire department or any police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section.

State Law Reference: Bottlerockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Section 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101; license and occupation taxes, Section 9-101.

## ARTICLE 8

### ALCOHOL, DRUGS AND RELATED SUBSTANCES

#### Section 10-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. Any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic Beverage Control Act, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxication substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of an offense.

B. For the purposes of this Section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous, or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

#### Section 10-802 POSSESSION, INTOXICATING AND NONINTOXICATING BEVERAGES.

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any

public street, road or highway or in any public place within the City limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. For the purpose of this Section, "intoxicating beverage" and "nonintoxicating beverage" shall be as defined in Sections 3-201 et seq of this code.

Section 10-803 DEFINITIONS.

As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this Section:

"Administer" shall be defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Controlled dangerous substance" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Deliver" or "delivery" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Drug paraphernalia" shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of state law. It includes, but is not limited to:

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

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

3. Isomerization devices used intended for use, or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;

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

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

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

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

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

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

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

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

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

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

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

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

- a. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled dangerous substance;
- b. The proximity of the object, in time and space, to a direct violation of this article or of the State Uniform Controlled Dangerous Substance Act;
- c. The proximity of the object to controlled dangerous substance;
- d. The existence of any residue of controlled dangerous substances on the object;
- e. Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of this article or the State Uniform Controlled Dangerous Substance Act; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- f. Instructions, oral or written, provided with the object concerning its use;
- g. Descriptive materials accompanying the object which explain or depict its use;
- h. National and local advertising concerning its use;
- i. The manner in which the object is displayed for sale;
- j. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- k. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- l. The existence and scope of legitimate uses for the object in the community;
- m. Expert testimony concerning its use.

"Marijuana" shall be as defined in Section 2-101 of Title 63 of the Oklahoma Statutes.

"Sale" includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.

State Law Reference: Uniform Controlled Dangerous Substance Act, 63 O.S. Section 2-101 et seq.

Section 10-804 POSSESSION.

It is unlawful for any person knowingly or intentionally to possess any of the following controlled dangerous substances unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by state law:

1. Any substance listed in Sections 2-208, 2-209 or 2-210 of Title 63 of the Oklahoma Statutes; or
2. Any marijuana; or

3. Any substance included in subsection D of Section 2-206 of Title 63 of the Oklahoma Statutes.

State Law Reference: Similar provisions, 63 O.S. Section 2-402.

Section 10-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES.

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

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

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

Section 10-806 SMELLING, INHALING, ETC., OF GLUE, ETC.

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination.

B. The provisions of subsection A shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist; or

State Law Reference: Similar provisions, 63 O.S. Section 465.20.

Section 10-807 DRIVING UNDER THE INFLUENCE OR WHILE IMPAIRED OR IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE

- A. It is unlawful and punishable as provided in subsection F for any person to drive, operate, or be in the actual physical control of a motor vehicle within the City who:
1. Has a blood or breath alcohol concentration, as defined in 47 O.S. §756, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two hours after the arrest of such person;
  2. Is under the influence of alcohol;
  3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or
  4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.
- B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.
- C. Admission of evidence shown by tests.
1. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of 47 O.S. §§752 and 759 or evidence of the presence and concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of 47 O.S. §§752 and 759 is admissible. Evidence that the person has refused to submit to either of said analyses is also admissible.

2. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;
  3. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle which such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or the breath of the person in the absence of additional evidence that such persons's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that said person had violated a State statute or local ordinance in the operation of a motor vehicle; and
  4. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.
- D. For purposes of this Section, "alcohol concentration" means grams of alcohol per 100 milliliters of blood if the blood was tested, or grams of alcohol per 210 liters of breath if the breath was tested.
- E. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two hours after the arrest of the person.
- F. Any person convicted of violating any of the provisions of this Section shall be guilty of an offense, and if convicted, shall be subject to a fine of not to exceed \$500.00, plus costs.

#### ARTICLE 9. CURFEW FOR MINORS

##### Section 10-901. CURFEW FOR MINORS

- A. Definition. For the purpose of this Section:

"Minor" shall mean any person under the age of eighteen (18) years, but shall not include any person who is legally emancipated or certified as an adult.

B. Curfew Generally. No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, during the period ending at 6:00 a.m. and beginning:

1. At 11:00 p.m. Sunday through Thursday, and
2. At 12:00 midnight on Friday and Saturday.

C. Exceptions. The following shall constitute valid exceptions to the operation of Subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of 21 years old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 12:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;

4. Until the hour of 12:00 A.M. on any day of the week, if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

#### D. Violations.

1. In the absence of convincing evidence, a police officer shall use his best judgment in determining age. A police officer who has probable cause to believe that a minor is in violation of this Section shall take such minor to the police station, or other place designed by the police chief or an appropriate place of detention or to the minor's home. The minor shall be interviewed. This interview is intended to permit ascertainment, under constitutional safeguards, of relevant facts, to centralize responsibility, and to provide for accurate, fair and impartial reporting of the incident. Police procedures shall be constantly refined in the light of experience and proper police action, in appropriate incidences, may be to deliver the minor to the home, especially for minors of tender age and when the identity may be readily ascertainable. In any event the police office shall file a written report of the incident within twenty-four (24) hours of the incident. If the minor is taken to an appropriate place of detention, the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this Section shall be immediately contacted. When the parent, legal guardian or adult person having care and custody of such minor arrives at the appropriate place of detention, or when the minor is taken to the residence of such parent, legal guardian or adult person having care and custody of the minor, the parent, legal guardian or adult person having care and custody of the minor shall be given a copy of this section and the notice as provided in subsection (D)(2). If no such parent, legal guardian or adult

person having care and custody of the minor takes custody of the minor, the minor may be referred to an appropriate state agency, released to a responsible adult or relatives, or such other necessary action may be taken as the police officer deems appropriate.

2. In the case of a violation of this section by a minor, the minor may be referred to state or county juvenile authorities and in addition, the police officer or designee shall send the minor's parents, legal guardian or adult person having care and custody of the minor, written notice of the violation, by certified mail, return receipt requested, or by serving such notice personally on such person, warning them that further violations may result in the filing of a charge against such parent, legal guardian or adult person having care and custody of the minor for a violation of subsection (D)(3).

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of Subsection B. In any prosecution for the violation of the provisions of this Section, proof that the minor violated Subsection B hereinabove, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of a previous violation of Subsection B as provided by Subsection D2, shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate Subsection B of this Section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D1 hereinabove for a violation by such minor of Subsection B and who refuses to take custody of such minor, shall be guilty of an offense.

E. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minor during the curfew times as specified in this section.

F. The Council may permit by resolution or motion procedures for advance notice or registration with the City of special events or functions sponsored by churches, schools, clubs, or other organizations which require minor to be out after curfew. The Council may also prescribed the procedures for taking into custody minors found in violation of this section.

G. No minor shall violate this section.

H. A parent, guardian or custodian of such minor, may file a written application directed to the chief of police of the City who may grant a special exemption of enforcement of the curfew, for a specific time stated in writing and signed by the police chief, minor and parent, guardian or custodian of such minor. If the police chief rejects such request or limits the requested time period, the aggrieved party may request a hearing before the municipal judge and his decision in the matter shall be final.

I. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for the minor's appearance in court, or may place the minor in the custody of his parent, guardian or custodian or other responsible adult person.

## ARTICLE 10

### PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER TOBACCO RULES

#### Section 10-1001. DEFINITIONS.

A. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

B. "Proof of age" means a driver license, license for identification only, or other generally accepted means of identification, that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

C. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

D. "Sampling" means the distribution of samples to members of the public in a public place; and

E. "Tobacco product" means any product that contains tobacco and is intended for human consumption.

#### Section 10-1002 OFFENSE TO SELL OR FURNISH CERTAIN PERSONS TOBACCO PRODUCTS.

A. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any such person. Provided however, it shall not be unlawful for an employee under eighteen (18) years of age to handle

such products when required in the performance of the employee's duties.

B. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.

C. 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.

D. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection A or B of this Section, each individual franchise or business location shall be deemed a separate entity.

Section 10-1003. OFFENSE FOR CERTAIN PERSONS TO PURCHASE, ACCEPT OR POSSESS TOBACCO PRODUCTS

It is unlawful for a person who is under eighteen (18) years of age to purchase, or accept receipt of, or have in his/her possession a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided however, it shall not be unlawful for such a person to handle such tobacco product when required in the performance of such person's duties.

Section 10-1004. FURNISHING OR DISTRIBUTING TOBACCO PRODUCT SAMPLES

A. It shall be unlawful for any person to distribute tobacco product samples to any person under eighteen (18) years of age.

B. Notwithstanding subsection A of this Section, no person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility, when the facility is being used primarily by persons under eighteen (18) years of age.

Section 10-1005. OFFENSE FOR SELLING CIGARETTES EXCEPT IN THEIR ORIGINAL, SEALED PACKAGE

It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

Section 10-1006.      MISCELLANEOUS

A. Any person who shall violate any provision of this Article shall be guilty of an offense and may be assessed a fine of not more than Two Hundred Dollars (\$200.00), plus costs and state assessments.

B. Upon the failure of any person to pay any fine authorized by this Article within Ninety (90) days of the assessment of such fine, the Court Clerk or his/her designee shall notify the Department of Public Safety. In addition, the City Clerk or his/her designee shall furnish information requested by the ABLE Commission in the form, manner and time as may be determined by the ABLE Commission.

Section 10-1007      CITY BUILDINGS

No person shall smoke tobacco products within any building, structure, office or room owned, leased or utilized by the City of Fairview. Violations shall be punishable as provided by Section 1-108 of this code.

CHAPTER 11: PARKS, RECREATION AND CEMETERY

ARTICLE 1

PARKS AND RECREATION

- Section 11-101 RULES AND REGULATIONS ADOPTED
- Section 11-102 FEES TO BE DETERMINED
- Section 11-103 SPECIFIC REGULATIONS AND PROHIBITED ACTS IN PUBLIC RECREATION AREAS
- Section 11-104 PENALTY

ARTICLE 2

LIBRARIES

- Section 11-201 DEFINITIONS.
- Section 11-202 CREATED.
- Section 11-203 CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS.
- Section 11-204 DIRECTORS NOT COMPENSATED.
- Section 11-205 REMOVAL OF DIRECTORS.
- Section 11-206 VACANCIES.
- Section 11-207 ELECTION OF OFFICERS.
- Section 11-208 GENERAL POWERS AND DUTIES
- Section 11-209 AUTHORITY TO APPOINT, LIBRARIAN ASSISTANTS.
- Section 11-210 BYLAWS, RULES AND REGULATIONS.
- Section 11-211 DAMAGING, DEFACING OR FAILING TO RETURN BOOKS OR OTHER PROPERTY.
- Section 11-212 USE, TRANSFER OF LIBRARY.
- Section 11-213 ACCEPTANCE OF DONATIONS.
- Section 11-214 ANNUAL REPORT.

ARTICLE 3

CEMETERY

- Section 11-301 ADMINISTRATION
- Section 11-302 SEXTON.
- Section 11-303 RULES.
- Section 11-304 CEMETERY CARE FUND; CEMETERY SPECIAL FUND.
- Section 11-305 DEED RECORD.
- Section 11-306 OFFENSE.
- Section 11-307 PRICE SCHEDULE.
- Section 11-308 USE OF GRAVE SITES.
- Section 11-309 RULES, REGULATIONS AND REQUIREMENTS.

CHAPTER 11

PARKS, RECREATION AND CEMETERY

ARTICLE 1

PARKS AND RECREATION

Section 11-101 RULES AND REGULATIONS ADOPTED.

The city council shall from time to time adopt rules and regulations governing the city parks, lakes and recreation facilities.

Section 11-102 FEES TO BE DETERMINED

The city shall provide by rules, from time to time, the fees charged for any such park or recreational privilege on any property or facility for recreational purposes owned or operated by the city.

Section 11-103 SPECIFIC REGULATIONS AND PROHIBITED ACTS IN PUBLIC RECREATION AREAS

A. It is an offense for any person to perform any of the following acts within any public recreation area unless the doing of such act is authorized by the city manager or city council:

1. To erect any signboard or distribute or give away any handbills or other thing of a commercial advertising nature.

2. To sell any article whatsoever.

3. To occupy or use any picnic shelter or other facility within the public parks during the hours from 12:00 midnight and 6:00 a.m., except as may be allowed under special permit.

4. To camp, erect tent, build a fire, park an automobile or other vehicle for the purpose of sleeping therein or under cover projecting therefrom within any park except at such places as may be designed and set aside for that purpose.

5. To knowingly and willfully permit any cattle, horses, mules, hogs, sheep, goats, dogs, chickens, or other domestic fowls to trespass within the confines of the city parks. The animal or fowl shall be impounded and disposed of as provided for other impounded animals.

6. To ride a horse upon or in any portion of any park except on designated areas unless so authorized under a special permit.

7. To operate any mini bike, motorcycle, motor scooter or similar device upon, over, or across any park, public school ground, recreational area, parkways, drainage facilities or other public right-of-way other than the streets used for motor vehicular traffic except where so signed.

8. To ride bicycles, tricycles or velocipedes in parks or upon parkways or park roads except on paths specifically provided for that purpose or upon the roadway. In no case shall they be permitted to ride upon the sidewalks, footpaths, or in parking areas or grasses.

9. To allow any vehicle other than those used for pleasure driving or those vehicles employed by the city in the construction or caring for the parks to enter the parks.

10. To disregard or violate any adopted rule, regulation or order governing the use of any playground, tennis court, ball diamond, swimming pool, or any playing field within any park or other area under the jurisdiction of the city.

11. To ascend or take off, or attempt to ascend or takeoff or make a landing in any park in any airplane, hydroplane, airship, balloon or other aircraft designed or intended to travel in the air with the operator or passenger without a permit in writing first obtained from the city clerk. This regulation shall not apply to emergency landings made necessary for the purpose of saving human life.

12. To engage in any trick or acrobatic flying, or drop parachute laden with person or thing, or drop, throw, or permit to fall therefrom any object except for emergency.

B. All traffic ordinance of the city now in effect or hereinafter enacted shall be in full force and effect within all parks.

C. The speed limit on the operation of automobiles shall be at a speed not to exceed twenty (20) miles per hour on straight away drives and fifteen (15) miles per hour on curved drives and at all intersections.

D. It is unlawful to:

1. Park any automobile or motor vehicle at any kind or description between the hours of 12:00 midnight and 6:00 a.m. upon or along any roadway or drive, or elsewhere within the parks.

2. Park a motor vehicle at any time between sunset and sunrise at any place unless the parking lights and rear lights are lighted; and

3. To disregard any "One Way" traffic signs.

Section 11-104 PENALTY.

It is unlawful for any person to use any parks or recreational facilities owned or operated by the city without having complied with the rules and regulations promulgated by the city in connection therewith. Any violation of the rules and regulations, or failure to comply with such, shall constitute an offense.

ARTICLE 2

LIBRARIES

Section 11-201 DEFINITIONS.

As used in this chapter, the term "library" means the public library created herein, the term "board" or "board of directors" means the library board of directors created herein and the term "director" means a member of such board.

State Law References: Library boards, powers, 11 O.S. Section 31-101 et seq.

Section 11-202 CREATED.

There is hereby created a public library with reading rooms for the use and benefit of the citizens of the city.

Section 11-203 CREATED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS.

A. There is hereby created a board of directors for the government and control of the library, to consist of five (5) members, chosen and appointed by municipal governing body from the citizens of the municipality with reference to their fitness for office.

B. The directors shall hold office for a term of five (5) years from the first day in July following their appointment and their terms shall be staggered.

Section 11-204 DIRECTORS NOT COMPENSATED.

The directors shall serve without compensation.

Section 11-205 REMOVAL OF DIRECTORS.

The municipal governing body may remove any director for misconduct or neglect of duty.

Section 11-206 VACANCIES.

Vacancies in the board of directors occasioned by removals, resignations or otherwise shall be reported to the mayor and council and be filled in a like manner as original appointments.

Section 11-207 ELECTION OF OFFICERS.

The directors shall, immediately after appointment, meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary.

Section 11-208 GENERAL POWERS AND DUTIES.

The board shall have control of the library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and shall, in general, carry out the spirit and intent of this chapter. The board shall have power, with the approval of the mayor and council, to recommend purchase of grounds and a suitable building for the use of the library. All powers delegated to the board of directors shall be executed subject to the approval of the city manager and council, as appropriate.

Section 11-209 AUTHORITY TO APPOINT, LIBRARIAN ASSISTANTS.

The board shall have the power to recommend appointment of a suitable librarian and necessary assistants, and their compensation, to the City Manager. The City Manager shall appoint all library employees.

Section 11-210 BYLAWS, RULES AND REGULATIONS.

A. The board shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the library and reading rooms, or either of them, as may be expedient, not inconsistent with this chapter.

B. The library or reading room established under this chapter shall always be subject to such reasonable rules and

regulations as the board may adopt, in order to render the use of such library and reading room, or either of them, of the greatest benefit to the greatest number, and the board may exclude from the use of the library or reading room, or either of them, any and all persons who shall willfully violate such rules.

C. Any person who shall willfully violate any rules or regulations regularly adopted by the board for the government, care and use of the library or reading room shall be deemed guilty of an offense and be punished accordingly.

Section 11-211 DAMAGING, DEFACING OR FAILING TO RETURN BOOKS OR OTHER PROPERTY.

Any person who shall destroy or deface any book, periodical or other property of the library, or who shall fail to return any book, periodical or other property at such time as the same is due to be returned, shall be guilty of a misdemeanor.

Section 11-212 USE, TRANSFER OF LIBRARY.

A. Any library or reading room established shall be used as such, and for such other public purposes as the city council may deem proper, and shall always be subject to such reasonable rules and regulations as the city council may adopt, in order to render the use of the library and reading room, or rooms of the greatest benefit to the greatest number.

B. Any library already existing or hereafter established may be transferred by the society, association or individual owning the same, to the city on such terms not inconsistent with the object of this chapter as may be mutually agreed upon.

Section 11-213 ACCEPTANCE OF DONATIONS.

A. Any person desiring to make donations of money, personal property or real estate for the benefit of the library or for the establishment, maintenance or endowment of public lectures in connection with the library, upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of any political party, politics or sectarian religion are expressly prohibited), shall have the right to vest the title of the money, personal property or real estate so donated in the city, to be held and controlled by the city, when accepted, according to the terms of the deed, devise or bequest of such property. As to such property, the city shall be held and considered to be special trustees.

B. The city shall have power to accept, or in its discretion decline, donations tendered as provided in this Section.

Section 11-214 ANNUAL REPORT.

The board of directors shall make, on or before the thirty-first (31<sup>st</sup>) day of July in each year, an annual report to the municipal governing body stating the condition of its trust on the thirtieth day of June of that year; the various sums of money received from the library fund and other sources and the amount of money expended and for what purposes; the budget for the library for the next fiscal year; statistics on the general character and number of books and periodicals which are on hand, are lost or missing, have been added by purchase, gift or otherwise during the year; the number of persons attending the library; the number of books loaned out; the general character and kind of such books; and such other statistics, information and suggestions as the board may deem of general interest.

ARTICLE 3

CEMETERY

Section 11-301 ADMINISTRATION

The city cemetery is controlled and administered by the public works department.

Section 11-302 SEXTON.

The City Manager shall appoint a sexton for the city cemetery. The sexton shall perform such duties as may be required of him by ordinance and all other duties imposed upon him by the mayor and council, and shall work under their direction and receive such compensation as the mayor and council may direct. He shall supervise the opening and closing of all graves. It shall be the duty of the sexton to keep and maintain the cemetery in a sanitary and orderly manner at all times and to prevent any unlawful use or injury to any of the properties of the city or individuals owning lots thereon. He shall establish markers for all graves, showing the names of the persons interred, such markers to be removed and replaced by monuments at the instance of relatives or other persons. He shall keep all weeds cut and maintain all roadways, streets and sidewalks in good condition of use. The sexton shall approve and supervise the placing of all monuments, trees, shrubs, and other improvements of a permanent nature, to insure that all such shall conform to the general beautification plan of the cemetery. Curbing and fences around lots are hereby expressly prohibited.

Section 11-303 RULES.

The City Manager may enact rules and regulations protecting and governing the municipal cemetery, the ownership of lots therein, and visitors therein; and the violation of any of the rules shall be an offense. All such rules shall be entered in a book to be kept for that purpose and shall be posted in a conspicuous place in the cemetery.

Section 11-304 CEMETERY CARE FUND; CEMETERY SPECIAL FUND.

A. Cemetery Care Fund. Whenever lots are sold or charges made for interments, fifty percent (50%) of all monies received from the sale of lots and interments shall be segregated and set aside as a permanent fund to be known as the "Cemetery Care Fund". The Cemetery Care Fund principal shall be expended for purchasing lands for cemeteries and for making capital improvements, if necessary. The balance of the fund may be invested in the manner provided by law for investments of municipal funds. The interest from the investments shall be used for the same purpose as the principal, or in improving, caring for, and embellishing the lots, walks, drives, parks, and other necessary improvements on such cemeteries. For the purpose of this Section, "capital improvements" shall mean all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including but not limited to roads and streets, drainage improvements, water and sewerage improvements, machinery, equipment, furniture and fixtures, all real property, all construction or reconstruction of buildings, appurtenances and improvements to real property, the cost and expenses related thereto of rights-of-way or other real property, engineering, architectural or legal fees, and payment for improvements for which subsequent reimbursement is made to the Cemetery Care Fund.

B. Cemetery Special Fund. The Cemetery Special Fund is established by the city clerk and shall be a separate fund from the Cemetery Care Fund. In the Cemetery Special Fund shall be deposited the donations and gifts of persons and families desiring to memorialize loved ones. Principal and interest may be used for special improvements not provided for herein. Expenditures of monies from this fund shall be pursuant to vote by the city council, after receiving the advise of the Cemetery Advisory Committee,

Note: Approved by Ordinance No. 2003-7 passed on 6-17-2003

Section 11-305 DEED RECORD.

All contracts for the transfer of lots shall be signed and conveyed by certificate signed by the city manager and countersigned by the city clerk, under the seal of the city, upon the payment to the city clerk of the price of the lot as entered upon the list filed in the city clerk's office. The certificate shall show the price for which the lots are sold and specify that the person to whom it is issued is the owner of the lot or lots described therein by number, as laid down in the plat, for purpose of interment. The certificate shall vest in the purchaser and his heirs a right to the lot or lots, for the sole purpose of interment, under the regulations of the city, or as such regulations may be hereinafter amended. The city clerk shall keep a complete record of all sales and burials in books provided by the city. All abandoned lots or spaces of lots shall be so declared by resolution of the city council and such abandoned lots or spaces of lots shall thereafter revert to the city. All monies received by the city from the sale of lots or from interments or from any other source shall be paid daily to the city treasurer, who shall deposit same in the municipal treasury. Expenses incurred for the upkeep, repair, and adornment of the cemetery may be paid by the treasurer upon proper warrants.

Section 11-306 OFFENSE.

It is an offense for any person to violate any posted or published rule or regulation relating to the government or preservation of the city cemetery which has been adopted by the mayor and council. The commission of any act of trespass, malicious mischief, or other thing which is prohibited by ordinance within the city limits shall be an offense when committed in any cemetery owned or governed by the city. Any person who commits any such offense shall, upon conviction, be punished as provided in Section 1-108 of this code.

Section 11-307 PRICE SCHEDULE.

The price schedule to be utilized in all transactions by the city at the Cemetery shall be as set by the mayor and the city council by motion or resolution. A copy of the current schedule is on file in the city clerk's office.

Section 11-308 USE OF GRAVE SITES.

Use of the purchased grave sites will be made in the following manner:

A. The owner or the duly authorized representative of the owner or estate of the deceased owner or funeral director shall contact the sexton of the city, with proof of ownership and request the grave is opened. A burial permit shall be received from the city clerk, which city clerk and sexton shall sign the proper form authorizing the city to open the grave and release the city from all liability;

B. The funeral director in charge shall inform the sexton of the grave site desired, grave site time and date and other pertinent details concerning the opening and closing of the grave; and

C. The sexton shall perform the requested services after proper determination of the grave location and the approval of the arrangements have been made.

Section 11-309 RULES, REGULATIONS AND REQUIREMENTS.

The only safe rule to observe in visiting this Cemetery is to "Touch nothing that does not belong to you."

No animals of any kind shall be permitted to be buried in the Cemetery

All motorized vehicles and bicycles shall remain on designated roads, except service vehicles.

Bringing lunches, alcoholic beverages and /or illegal drugs are strictly forbidden.

No person shall be permitted to enter or leave the Cemetery except by the public gates, which will be open at 8:00 A.M. throughout the year and closed soon after sunset, according to the season of the year. Any person found on the grounds after dark will be considered a trespasser.

No person or persons other than City of Fairview employees shall be permitted to bring or carry firearms within the Cemetery, except a Military Guard of Honor.

The clean up after a service is the responsibility of the Funeral Home and Florist serving the services.

All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.

The City of Fairview is not responsible for theft or damage to anything placed on graves or lots. The City and its agents have authority to enter upon any lots and to remove any item that may have been located there, contrary to regulations of said Cemetery, and they may remove any dead, damaged or living trees, shrubs, vines, plants or flowers.

No items interfering with mowing and or maintenance will be permitted on any graves, lot or trees. Corner markers are permitted if set at ground level and can be mowed over, or they will be removed.

All work and all planting of any kind on all lots and graves is strictly prohibited, except with the permission or under the supervision of the management.

The only exception will be: Existing flowers, decorations, etc. may remain if the lot or lots are mowed and maintained by family members on a regular basis. If family members cease to mow and maintain the lot or lots, the City may remove any or all plants, flowers, decorations or any other items and resume mowing and maintenance.

The City reserves the right to remove objects for any reason when it is in the best interest of the Cemetery.

Any marker or item that extends more than 16 inches above the ground is considered a headstone. All headstones must be in line with the headstones in that row. This regulation shall apply to any existing, or future markers and may be removed or relocated by City Employees at the instruction of the City Manager.

The Cemetery authorities shall have full right to fill and level graves and plant grass thereon, and no permanent mound whatever shall be permitted. All graves shall be filled, tamped and finished to the same level as the surrounding ground and all graves shall be covered completely with grass. This regulation must be strictly enforced in order to preserve the beautiful park-like appearance of the lawns and ground as a whole, and to assure the perpetual maintenance of the property.

Note: The following ordinance governing the City Cemetery were revised on May 3, 2005.

page left intentionally blank

CHAPTER 12

PLANNING, ZONING AND DEVELOPMENT

ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

- SECTION 12-101 PLANNING COMMISSION CREATED.
- SECTION 12-102 QUORUM.
- SECTION 12-103 ORGANIZATION AND RULES.
- SECTION 12-104 POWER TO EMPLOY STAFF.
- SECTION 12-105 POWERS AND DUTIES.
- SECTION 12-106 PURPOSES OF PLAN.
- SECTION 12-107 SUBDIVISION OF LAND.
- SECTION 12-108 ZONING COMMISSION.
- SECTION 12-109 UNIFORMITY OF REGULATIONS.
- SECTION 12-110 COMPREHENSIVE PLAN, PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.
- SECTION 12-111 EXPENSES

DIVISION 2

BOARD OF ADJUSTMENT

- SECTION 12-120 BOARD OF ADJUSTMENT CREATED.
- SECTION 12-122 MEETINGS AND PROCEDURES.
- SECTION 12-123 APPEALS.
- SECTION 12-124 POWERS, APPEALS.
- SECTION 12-125 POWERS TO GRANT VARIANCES.
- SECTION 12-126 POWERS RELATIVE TO EXCEPTIONS.
- SECTION 12-127 EXERCISE OF POWERS.
- SECTION 12-128 APPEAL TO DISTRICT COURT.

ARTICLE 2

ZONING REGULATIONS

DIVISION 1

GENERAL PROVISIONS

- SECTION 12-201 CITATION.
- SECTION 12-202 PURPOSE AND NECESSITY.
- SECTION 12-203 NATURE OF ZONING PLAN.

SECTION 12-204 REGULATION OF USE, HEIGHT, AREA YARDS AND OPEN SPACES.  
SECTION 12-205 ZONING DISTRICTS ESTABLISHED.  
SECTION 12-206 DEFINITIONS.  
SECTION 12-207 INTERPRETATION OF DISTRICT BOUNDARIES.  
SECTION 12-208 VACATION OF PUBLIC EASEMENTS.

DIVISION 2

SPECIFIC DISTRICT REGULATIONS

SECTION 12-211 USES PERMITTED.  
SECTION 12-212 USES PERMITTED ON REVIEW.  
SECTION 12-213 AREA REGULATIONS.  
SECTION 12-217 USES PERMITTED ON REVIEW.  
SECTION 12-218 AREA REGULATIONS.  
SECTION 12-215 A-2 SUBURBAN DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-216 USES PERMITTED.  
SECTION 12-219 HEIGHT REGULATIONS  
SECTION 12-225 E-1 ESTATE RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-226 USES PERMITTED.  
SECTION 12-227 USES PERMITTED ON REVIEW.  
SECTION 12-228 AREA REGULATIONS.  
SECTION 12-229 HEIGHT REGULATIONS.  
SECTION 12-230 DRIVEWAY REGULATIONS.  
SECTION 12-235 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-236 USES PERMITTED.  
SECTION 12-237 USES PERMITTED ON REVIEW.  
SECTION 12-238 AREA REGULATIONS.  
SECTION 12-240 R-2 RESTRICTED RESIDENTIAL DISTRICT GENERAL DESCRIPTION.  
SECTION 12-241 USES PERMITTED.  
SECTION 12-242 USES PERMITTED ON REVIEW.  
SECTION 12-243 AREA REGULATIONS.  
SECTION 12-244 HEIGHT REGULATIONS.  
SECTION 12-245 R-3 GENERAL RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-246 USES PERMITTED.  
SECTION 12-247 USES PERMITTED ON REVIEW.  
SECTION 12-248 AREA REGULATIONS.  
SECTION 12-249 HEIGHT REGULATIONS.  
SECTION 12-255 C-1 NEIGHBORHOOD SHOPPING DISTRICT, GENERAL DESCRIPTION.  
SECTION 12-256 USES PERMITTED.  
SECTION 12-257 AREA REGULATIONS.  
SECTION 12-258 HEIGHT REGULATIONS.

- SECTION 12-260 C-2 GENERAL COMMERCIAL DISTRICT, GENERAL DESCRIPTION.
- SECTION 12-261 USES PERMITTED.
- SECTION 12-262 OPEN DISPLAY USES PERMITTED.
- SECTION 12-263 AREA REGULATIONS.
- SECTION 12-264 HEIGHT REGULATIONS.
- SECTION 12-270 I-1 LIGHT INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.
- SECTION 12-271 USES PERMITTED.
- SECTION 12-272 AREA REGULATIONS.
- SECTION 12-273 HEIGHT REGULATIONS.
- SECTION 12-275 1-2 HEAVY INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.
- SECTION 12-276 USES PERMITTED.
- SECTION 12-277 USES PERMITTED ON REVIEW.
- SECTION 12-278 AREA REGULATIONS.
- SECTION 12-279 HEIGHT REGULATIONS.
- SECTION 12-280 F-FLOOD PLAIN DISTRICT, GENERAL DESCRIPTION.
- SECTION 12-281 USES PERMITTED.
- SECTION 12-285 PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT, DESCRIPTION.
- SECTION 12-286 PURPOSES.
- SECTION 12-287 GENERAL PROVISIONS.
- SECTION 12-288 PRINCIPAL USES PERMITTED IN PLANNED UNIT DEVELOPMENTS.
- SECTION 12-289 ACCESSORY USES.
- SECTION 12-290 LOT WIDTH AND LOT AREA MINIMUMS.
- SECTION 12-291 NUMBER OF PERMITTED DWELLING UNITS.
- SECTION 12-292 LIVABILITY SPACE.
- SECTION 12-293 BUILDING HEIGHT.
- SECTION 12-294 YARDS.
- SECTION 12-295 PERIMETER REQUIREMENTS.
- SECTION 12-296 OFF-STREET PARKING AND LOADING.
- SECTION 12-297 GENERAL ADMINISTRATION OF PLANNED UNIT DEVELOPMENT.
- SECTION 12-298 APPLICATION AND OUTLINE DEVELOPMENT PLANS.

### ARTICLE 3

#### GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

##### DIVISION 1

##### IN GENERAL

- SECTION 12-300 APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT.
- SECTION 12-301 OPEN SPACE.
- SECTION 12-302 HEIGHT.
- SECTION 12-303 GROUP HOUSING PROJECTS.

- SECTION 12-304 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.
- SECTION 12-305 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.
- SECTION 12-306 ANIMALS.
- SECTION 12-307 STORAGE OF LIQUIFIED PETROLEUM GASES.
- SECTION 12-308 TRAILER PARK REGULATIONS.

## DIVISION 2

### OFF-STREET PARKING REQUIREMENTS

- SECTION 12-310 GENERAL INTENT AND APPLICATION OF OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING.
- SECTION 12-311 REQUIRED OPEN SPACE.
- SECTION 12-312 LOCATION.
- SECTION 12-313 JOINT PARKING FACILITIES.
- SECTION 12-314 SIZE OF OFF-STREET PARKING SPACE.
- SECTION 12-315 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.
- SECTION 12-316 PAVED SURFACE REQUIRED.
- SECTION 12-317 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.

## DIVISION 3

### NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

- SECTION 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.
- SECTION 12-321 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES.
- SECTION 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.
- SECTION 12-323 BUILDING VACANCY.
- SECTION 12-324 CHANGE IN USE.
- SECTION 12-325 DAMAGE TO BUILDING.
- SECTION 12-326 NONCONFORMING USE OF LAND.

## DIVISION 4

### ADMINISTRATION

- SECTION 12-330 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.
- SECTION 12-331 BUILDING PERMIT.
- SECTION 12-332 CERTIFICATE OF OCCUPANCY.
- SECTION 12-333 VIOLATIONS AND PENALTIES.
- SECTION 12-334 AMENDMENTS.
- SECTION 12-335 CLASSIFICATION OF NEW ADDITIONS.
- SECTION 12-336 VACATION OF PUBLIC EASEMENTS.

ARTICLE 4

SUBDIVISION REGULATIONS

DIVISION 1

GENERAL PROVISIONS

- SECTION 12-401 PURPOSE.
- SECTION 12-402 AUTHORITY.
- SECTION 12-403 APPLICATION TO TYPES OF SUBDIVIDING.
- SECTION 12-404 DEFINITIONS.
- SECTION 12-405 GENERAL PROCEDURE FOR PLAT APPROVAL, RECORDING, FILING.

DIVISION 2

DESIGN

- SECTION 12-410 URBAN DESIGN PRINCIPLES.
- SECTION 12-411 STREETS.
- SECTION 12-412 STANDARD STREETS IN E-1 ESTATE RESIDENTIAL SUBDIVISIONS.
- SECTION 12-413 ALLEYS.
- SECTION 12-414 EASEMENTS.
- SECTION 12-415 PUBLIC AREAS AND OPEN SPACES.
- SECTION 12-416 WATER LINES, WATER AND SEWER CONNECTIONS.
- SECTION 12-417 FIRE HYDRANTS.
- SECTION 12-418 LIGHTING.
- SECTION 12-419 OIL OR GAS WELLS.
- SECTION 12-420 LOT SPLITS
- SECTION 12-421 MODIFICATION; UNDUE HARDSHIP.
- SECTION 12-422 UNDERGROUND ELECTRICITY.
- SECTION 12-423 BLOCKS.
- SECTION 12-424 LOTS.
- SECTION 12-425 BUILDING LINES.
- SECTION 12-426 NEIGHBORHOOD UNIT DEVELOPMENT.

DIVISION 3

IMPROVEMENTS

- SECTION 12-430 GENERAL PROVISIONS.
- SECTION 12-431 PLAN PREPARATION.
- SECTION 12-432 SURETY BOND.
- SECTION 12-433 PERMANENT MARKERS.
- SECTION 12-434 STREET IMPROVEMENTS.
- SECTION 12-435 SIDEWALKS.
- SECTION 12-436 WATER LINES.

SECTION 12-437 SANITARY SEWERS.  
SECTION 12-438 STORM SEWERS AND DRAINAGE.  
SECTION 12-439 MAINTENANCE AND SUPERVISION.

Division 4

PLAT PREPARATION AND APPROVAL PROCEDURE

SECTION 12-440 THE PRELIMINARY PLAT.  
SECTION 12-441 CERTIFICATION OF DESIGN.  
SECTION 12-442 CONTENTS OF THE PRELIMINARY PLAT.  
SECTION 12-443 PLANNING COMMISSION ACTION.  
SECTION 12-444 THE FINAL PLAT.  
SECTION 12-445 TIME OF SUBMISSION.  
SECTION 12-446 DRAFTING.  
SECTION 12-447 CONTENTS OF THE FINAL PLAT.  
SECTION 12-448 PLANNING COMMISSION ACTION.  
SECTION 12-449 CITY COUNCIL ACTION.  
SECTION 12-450 RECORDING OF PLAT.

DIVISION 5

ADMINISTRATION AND AMENDMENT

SECTION 12-460 VARIATIONS AND EXCEPTIONS.  
SECTION 12-461 ADMINISTRATION AND AMENDMENT.  
SECTION 12-462 VIOLATION AND PENALTY.

ARTICLE 5

FLOOD DAMAGE ORDINANCE

SECTION 12-505 APPLICATION; COMPLIANCE; INTERPRETATION.  
SECTION 12-506 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.  
SECTION 12-507 DEVELOPMENT PERMIT REQUIRED.  
SECTION 12-508 WARNING AND DISCLAIMER OF LIABILITY.  
SECTION 12-509 DESIGNATION OF ADMINISTRATOR; DUTIES.  
SECTION 12-510 PERMIT PROCEDURES: APPROVAL OR DENIAL.  
SECTION 12-511 VARIANCE PROCEDURES.  
SECTION 12-512 GENERAL STANDARDS: FLOOD HAZARD AREAS.  
SPECIFIC STANDARDS; FLOOD HAZARD AREAS.  
SECTION 12-514 STANDARDS FOR SUBDIVISION PROPOSALS; FLOOD HAZARD AREAS.  
SECTION 12-515 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).  
SECTION 12-516 VIOLATIONS AND PENALTIES.

ARTICLE 6

CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

SECTION 12-601 CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION  
AND DUTIES

## CHAPTER 12: PLANNING, ZONING AND DEVELOPMENT

## ARTICLE 1

## BOARDS AND COMMISSIONS

## DIVISION 1

## PLANNING COMMISSION

Section 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the city. The commission shall be composed of five (5) members, nominated by the Mayor and confirmed by the city council. The Mayor and the City Engineer shall be ex-officio members of the commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office. The appointed members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the city council only for inefficiency, neglect of duty or malefaction in office. Vacancies occurring, otherwise than through the expiration of term, shall be filled only for the un-expired terms by the Mayor with confirmation by the city council. The Mayor shall receive no compensation for his service on the commission. Terms shall be staggered and members shall serve until their respective June 30.

State Law Reference: Planning commissions, 11 O.S. 45-101 et seq.

SECTION 12-102 QUORUM.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission present.

Note: Quorum amended on January 16, 2001 by Ordinance No. 2001-01A.

SECTION 12-103 ORGANIZATION AND RULES.

Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman, and secretary shall be one year. The planning commission

shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this Chapter 12 of the city code.

SECTION 12-104 POWER TO EMPLOY STAFF.

The planning commission, subject to approval of the city council, shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the city council. The salary and compensation of such employees shall be fixed by the city council and shall be paid out of the city treasury as are other officers and employees. Necessary expenses incurred by the commission shall be paid from the city treasury as other legal expenses of the city.

SECTION 12-105 POWERS AND DUTIES.

The planning commission shall have the power to prepare and recommend to the city council for adoption a comprehensive plan for the physical development of the city. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the city and may make recommendations as it may deem advisable concerning the adoption thereof to the city council. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the city council on the location or design of any public buildings, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the city council for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the city or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan.

SECTION 12-106 PURPOSES OF PLAN.

In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best

of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

SECTION 12-107 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the city council for adoption rules and regulations governing the subdivision of land within the corporate limits for the city. All plans, plats or replats of land laid out in lots, plots, blocks, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the city may first be submitted by the city council to the planning commission for its recommendations. The disapproval of any such plan, plat or replat by the city council shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the City Clerk, certifying the approval and acceptance thereof by the city council.

SECTION 12-108 ZONING COMMISSION.

The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the city council for adoption a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.

SECTION 12-109 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the city into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 12-110 COMPREHENSIVE PLAN, PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the

streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

#### SECTION 12-111 EXPENSES

Any person requesting a Zoning Change or Use by Review is required to pay any associated expenses; i.e., postage for notice to property owners within the 300' radius as required and all publication costs. The City will provide the stationary, labor, required notices, mailing and publication.

#### DIVISION 1

#### BOARD OF ADJUSTMENT

#### SECTION 12-121 BOARD OF ADJUSTMENT CREATED.

There is hereby created a zoning board of adjustment consisting of the City Council of the City of Fairview, and their successors. The board of adjustment shall be the duly qualified or elected councilmen of the city. Each member shall serve for such length of time on the board of adjustment as the period of time for which they have been elected or appointed to the city council. The mayor shall be the chairman of the board of adjustment.

#### SECTION 12-122 MEETINGS AND PROCEDURES.

The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and require the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or

to decide in favor of the applicant or any matter upon which it is required to pass under any such ordinance or code, or to effect any variation in such ordinance or code.

SECTION 12-123 APPEALS.

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the City Clerk notice of appeal specifying the grounds therefore, and by paying a filing fee of Fifty Dollars (\$50.00) (plus an additional amount equal to the estimate of all costs to be incurred by the city) at the office of the City Clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

C. The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 12-124 POWERS, APPEALS.

The board of adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of the zoning regulations set forth in Sections 12-201 et seq. of this code.

SECTION 12-125 POWERS TO GRANT VARIANCES.

The board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the

zoning regulations in Sections 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

1. At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;

2. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;

3. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area;

4. Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in Sections 12-201 et seq. of this code.

#### SECTION 12-126 POWERS RELATIVE TO EXCEPTIONS.

The board shall have the power to hear and decide special exceptions to the terms of this title upon which the board is required to pass under this title. Upon appeal, the board is empowered to permit the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

2. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the City Clerk; and

3. To grant exceptions to the off-street parking requirements set forth in Sections 12-280 et seq. of this code when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied

with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

#### SECTION 12-127 EXERCISE OF POWERS

In exercising its powers the board may, in conformance with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as out to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this title, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.

#### SECTION 12-128 APPEAL TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court by filing notice of appeal, with the City Clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court or superior court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of

the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

ARTICLE 2

ZONING REGULATIONS

DIVISION 1

GENERAL PROVISIONS

SECTION 12-201 CITATION.

These regulations, in pursuance of the authority granted by the legislature of the State of Oklahoma in Sections 401-410 of Chapter 7 of Title 11 of the Oklahoma Statutes, shall be a part of the general plan for the city and shall be known as the zoning ordinance and may be cited as such.

SECTION 12-202 PURPOSE AND NECESSITY.

The regulations contained herein are necessary to encourage the most appropriate uses of land to:

1. Maintain and stabilize the value of property;
2. Reduce fire hazards and improve public safety and safeguard the public health;
3. Decrease traffic congestion and its accompanying hazards;
4. Prevent undue concentration of population; and
5. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 12-203 NATURE OF ZONING PLAN.

These regulations classify and regulate the use of land, building, and structures within the city limits of the city as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of

the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by building, the size of yards and open spaces, density of population and location of buildings.

SECTION 12-204 REGULATION OF USE, HEIGHT, AREA YARDS AND OPEN SPACES.

Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvements shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

SECTION 12-205 ZONING DISTRICTS ESTABLISHED.

The city is hereby divided into zones as shown on the zoning map filed with the City Clerk. The map and all explanatory material thereon is hereby made a part of these regulations by reference zones which shall be designated as follows:

1. Agricultural
  - a. A-1 General Agricultural District
  - b. A-2 Suburban District
2. Residential:
  - a. E-1 Estate Residential District
  - b. R-2 Single Family Residential District
  - c. R-2 Restricted Residential District
  - d. R-3 General Residential District
3. Commercial:
  - a. C-1 Neighborhood Shopping District
  - b. C-2 General Commercial District
4. Industrial:
  - a. I-1 Light Industrial District
  - b. I-2 Heavy Industrial District
5. F Flood Plain

## 6. PUD Planned Unit Development District

SECTION 12-206 DEFINITIONS.

For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses, words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory:

1. "Accessory building" means a building customarily incidental and subordinate to the main building and located on the same lot with the main building;

2. "Accessory use" means a use customarily incidental appropriate and subordinate to the principal use of land or buildings located upon the same premises;

3. "Advertising sign or structure" means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition;

4. "Alley" means a public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation;

5. "Apartment house or multiple family dwelling" means a single detached dwelling designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels;

6. "Basement" means a story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half ( $\frac{1}{2}$ ) of its height is above the

average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises;

7. "Boarding house" means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twelve (12) persons on a weekly or monthly basis.

8. "Building" means any structure intended for shelter, housing or enclosure of person, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure;

9. "Building height" means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof;

10. "Building main" means a building in which is conducted the principle use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated;

11. "Building site" means a single parcel of land under one ownership, occupied or intended to be occupied by a building or structure;

11A. "Carport" means a structure which houses an automobile and which is unenclosed on three sides above a height of three (3) feet.

12. "Child care center" means any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities;

13. "Coverage" means the percentage of the lot acre covered by the building. The building area shall include all overhanging roofs;

14. "District" means any section or sections of the city for which regulations governing the use of buildings and premises or the height and area of buildings are uniform;

15. "Dwelling" means any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers;

16. "Dwelling, single-family" means a dwelling designed to be occupied by one family;

17. "Dwelling", two-family" means a dwelling designed to be occupied by two (2) families living independently of each other;

18. "Dwelling multiple" means a dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts of camps, hotels or resort type hotels;

19. "Family" means one or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family;

20. "Garage apartment" means a dwelling unit for one family erected above a private garage;

21. "Garage, parking" means an accessory building or a part of a main building used for storage purposes only for not more than four (4) automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

22. "Garage, public" means any garage other than a private garage, available to the public, used for the care, servicing, repair or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale;

23. "Gasoline or filling stations" mean any area of land, including structures thereon, that is used for the sale of gasoline, oil fuels or other automobile accessories, but not butane

or propane fuels and which may or may not include facilities for lubricating, washing, cleaning or otherwise servicing automobiles, but not including the painting thereof;

24. "Fraternity or sorority house" means a building other than a hotel, where for compensation and by pre-arrangement for definite periods, meals, or meals and lodging are provided for organized living groups;

25. "Help-yourself laundry" means a laundry providing home type washing, drying and ironing machines for hire to be used by the customers on the premises;

26. "Home occupation" means any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which the occupation is conducted. The conducting a beauty or barber shop, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, or cabinet, metal or auto repair shop shall not be deemed a home occupation;

27. "Hotel" means a building or group of building under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto nor trailer court nor camp, sanatorium, hospital, asylum, orphanage or building where persons are housed;

28. "House trailer" means any portable or mobile vehicle used or designed to be used for living purposes;

29. "Kennel" means any lot or premises on which four (4) or more dogs and/or four (4) or more cats above the age of six (6) months are kept.

30. "Lot" means any plot of land occupied or intended to be occupied by one building or a group of buildings, and its accessory buildings and uses, including such open spaces as required by these regulations and other laws or ordinances and having its principal frontage on a street;

31. "Lot corner" means a lot of which at least two (2) adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees. (135 degrees);

32. "Lot, double frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot;

33. "Lot, interior" means a lot other than a corner lot;

34. "Lot, area" means the total horizontal area included within lot lines;

35. "Lot, depth" means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot;

36. "Lot frontage" means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of corner lot;

37. "Lot lines" mean the lines bounding a lot as defined herein;

38. "Medical facilities":

a. "Convalescent, rest or nursing home" means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation;

b. "Dental clinic or medical clinic" means a facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions;

c. "Dental office or doctor's office" means the same as dental or medical clinic;

d. "Hospital" means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments training facilities, central service facilities and staff offices which are an integral part of the facilities;

e. "Public health center" means a facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories,

clinics, and administrative offices operated in connection therewith; and

f. "Sanitarium" means an institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents;

39. "Non-conforming use" means a structure of land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated;

40. "Rooming house" means a building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons; all in excess of this number shall be defined as a hotel under the terms of these regulations;

41. "Story" means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, then the space between the floor and the ceiling next above it;

42. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment of living quarters shall be counted as a full story;

43. "Street" means any public thoroughfare right-of-way which affords the principal means of access to abutting property;

44. "Street, intersecting" means any street which joins another street at an angle, whether or not it crosses the other;

45. "Structures" mean anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground;

46. "Structural alterations" mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls;

47. "Tourist court" means an area containing one or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients;

48. "Trailer court" means land or property which is used or intended to be used or rented for occupancy by two (2) or more trailers or movable sleeping quarters of any kind;

49. "Tourist home" means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation;

50. "Tree" means any object of natural growth;

51. "Yard" means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in these regulations that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used;

52. "Yard front" means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps;

53. "Yard rear" means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main buildings or any projections other than steps, unclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard; and

54. "Yard, side" means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

#### SECTION 12-207 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance there from as indicated on the zoning map;

4. Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

SECTION 12-208 VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

DIVISION 2

SPECIFIC DISTRICT REGULATIONS

SECTION 12-211 USES PERMITTED.

A. Property and buildings in an A-1 general agriculture district shall be used only for the following purposes:

1. One family or two (2) family dwelling for farm owner, operator or employee;
2. All agricultural land uses, buildings and activities;
3. Mining, quarrying and earth-extraction industries;
4. Transportation, pipeline and utility easements and right-of-way;

5. Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to one-third (1/3) of the display area for produce may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway an adequate distance to permit parking and ingress and egress, and shall not be constructed in such location as would create an undue traffic hazard subject to the determination of the city engineer;

6. All of the following uses:

- a. Advertising signs;
- b. Church;
- c. Home occupation;
- d. Kennel (no animals permitted on tracts smaller than five (5) acres);
- e. Library;
- f. Park or playground or public recreation area;
- g. Plant nursery or greenhouse;
- h. Public utility buildings and facilities; and
- i. Schools, colleges and universities; or

7. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

SECTION 12-212 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provisions contained in Section 12-121 of this code:

1. Airport or landing field;
2. Cemetery;
3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two (2) square feet in area, attached to the main building;
4. Oil well or gas well including the drilling thereof;

5. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity;
6. Public stable or riding academy (no animals permitted on tracts smaller than five (5) acres);
7. Sale barn; or
8. Any enterprise operated by a subdivision of the State of Oklahoma.

SECTION 12-213 AREA REGULATIONS.

A. Front yard. All buildings and mining operations, except temporary roadside stands for the sale of farm products grown on the premises, shall be set back from road and street right-of-way lines to comply with the following front yard requirements:

1. All buildings shall set back from a state or federal highway or county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater; or

2. On all public roads or streets, other than federal, state or county highways and section line roads, all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

B. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code:

2. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the following uses:

- a. Country club and golf course;
- b. Home occupation;
- c. Library;

- d. Park or playground or public recreation area; or
- e. Plant nursery;

7. Transportation, pipeline and utility easements, and rights-of-way;

8. Bulletin board or sign, not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold; or

9. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, and private garages and accessory buildings which are a part of the main building.

SECTION 12-217 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provision contained in Section 12-121 of this code:

- 1. Airport or landing field;
- 2. Cemetery;
- 3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building;
- 4. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity;
- 5. Public stable or riding academy;
- 6. Kennel;
- 7. Radio or television station;
- 8. Sewage lagoon; or
- 9. Oil well or gas well, including location or drilling of the well.

SECTION 12-218 AREA REGULATIONS.

A. Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

1. All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater;

2. On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater;

3. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; or

4. When a yard has double frontage the front yard requirements shall be complied with on both streets.

B. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such

lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet. Accessory buildings are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to the dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

SECTION 12-215 A-2 SUBURBAN DISTRICT, GENERAL DESCRIPTION.

This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, required area, and intensity of use of land which is permitted in this district is designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

SECTION 12-216 USES PERMITTED.

Property and buildings in an A-2 Suburban District shall be used only for the following purposes:

1. Detached one family dwelling for farm owner, operator or employee;

2. Church;

3. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping;

4. Agricultural crops;

5. The raising of farm animals in accordance with the regulations of the city, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than ten (10) acres the raising of hogs shall be prohibited, and on all other tracts the number of hogs weighing more than twenty-five (25) pounds shall not exceed twenty (20) grain fed or three (3) garbage fed hogs. Hogs shall not be located closer than two hundred (200) feet to the property line of the tract on which they are located;

6. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Lot width. For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

E. Intensity of use regulations are as follows:

1. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than one acre;

2. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12-310 to 12-317 of this code; and

F. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior

lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

SECTION 12-219 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

SECTION 12-225 E-1 ESTATE RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

This is the most restrictive residential district. The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different areas. This district is limited to a maximum of twenty (20) lots, each lot being a minimum of two (2) or more acres in size.

SECTION 12-226 USES PERMITTED.

Property and buildings in an E-1 Estate Residential District shall be used only for the following purposes:

1. Detached one family dwelling;
2. Churches, but not including missions or revival tents or arbors;
3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
4. Public park or playground;
5. Library;
6. Agricultural crops, but not the raising of farm animals or poultry;
7. Home occupation;

8. Transportation and utility easements, alleys and rights-of-way;

9. Accessory buildings which are not a part of the main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage;

10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;

11. A church bulletin board or sign not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building;

12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed; and

13. Parking lot required to serve the uses permitted in this district.

SECTION 12-227 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-121 of this code:

1. Municipal use, public building and public utility;
2. Plant nursery in which no building or structure is maintained in connection therewith;
3. Golf course or country club; or
4. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building.

SECTION 12-228 AREA REGULATIONS.

A. All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be thirty-five (35) feet;

2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; and

3. When a yard has double frontage the front yard requirements shall be complied with on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as provided in Section 12-301 of this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists.

E. Lot width. For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty five (35) feet.

F. Intensity of use regulations are as follows:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than eighty-seven thousand one hundred twenty (87,120) square feet, (two (2) acres); and

2. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12-310 to 12-317 of this code; provided however, that the lot area for a church shall not be less than eighty-seven thousand one hundred twenty (87,120) square feet, (two (2) acres).

G. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

#### SECTION 12-229 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

#### SECTION 12-230 DRIVEWAY REGULATIONS.

Each dwelling shall have a concrete driveway, a minimum of twenty (20) feet in width, extending from garage to street.

Cross Reference: See also Section 12-412 for street standards in estate residential subdivisions.

SECTION 12-235 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

This is a residential district to provide for a slightly higher population density, but with similar restrictions to the E-1 District. The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different areas.

SECTION 12-236 USES PERMITTED.

Property and buildings in a R-1 Single Family Residential District shall be used only for the following purposes:

1. Detached one family dwelling;
2. Churches, but not including missions or revival tents or arbors;
3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
4. Public park or playground;
5. Library;
6. Agricultural crops, but not the raising of farm animals or poultry;
7. Home occupation;
8. Transportation and utility easements, alleys and rights-of-way;
9. Accessory buildings which are not a part of the main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage;
10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of

a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;

11. A church bulletin board or sign, not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building;

12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed; and

13. Parking lot required to serve the uses permitted in this district.

#### SECTION 12-237 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-121 of this code::

1. Municipal use, public building and public utility;
2. Plant nursery in which no building or structure is maintained in connection therewith;
3. Golf course or country club;
4. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building;

#### SECTION 12-238 AREA REGULATIONS.

A. All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are

improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum set back so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; and

3. When a yard has double frontage the front yard requirements shall be complied with on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code;;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists.

E. Lot width. For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot

shall abut on a street for a distance of not less than thirty-five (35) feet.

F. Intensity of use regulations are as follows:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet; and

2. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12-310 to 12-317 of this code; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet;

G. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

H. Height regulations. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

SECTION 12-240 R-2 RESTRICTED RESIDENTIAL DISTRICT GENERAL DESCRIPTION.

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of land is for single family, two family dwellings, and multiple family structures and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship of the different uses.

SECTION 12-241 USES PERMITTED.

Property and buildings in an R-2 Restricted Residential District shall be used only for the following purposes:

1. Any uses permitted in R-1 Single Family Dwelling District;

2. Two family dwelling or a single family dwelling and a garage apartment;
3. Multiple family dwelling; or
4. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

SECTION 12-242 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-121 of this code:

1. Any use permitted on review in R-1 Single Family Dwelling District; and
2. Child care center.

SECTION 12-243 AREA REGULATIONS.

A. All buildings shall set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be twenty-five (25) feet;

2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet; and

3. When a lot has double frontage the front yard requirements shall be provided on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than eight (8) feet for dwellings of more than one story except as hereinafter provided in Section 12-301 of this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet from the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12'<sup>1</sup>/<sub>2</sub>) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; or

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines and a distance of not less than twenty-five (25) feet.

D. Rear yard. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single family dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building but they shall not cover more than thirty percent (30%) of the rear yard.

E. Lot width. There shall be a minimum lot width of fifty (50) feet at the front building line for single family dwellings and two (2) family dwellings and ten (10) feet additional width at the front building line for each family, more than two (2), occupying a dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

F. Intensity of use regulations are as follows:

1. For each single family dwelling and accessory building there shall be a lot area of not less than six thousand (6,000) square feet;

2. For each two (2) family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet. A garage apartment located on the same lot with a single family dwelling shall have the same area requirements as a two family dwelling, and for purposes of intensity shall constitute

a two family dwelling. A garage apartment shall not be located on the same lot with a two family dwelling;

3. For a multiple family dwelling there shall be a lot area of not less than seven thousand (7,000) square feet for the first two (2) dwelling units and not less than two thousand (2,000) square feet for each additional unit; and

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Sections 12- 310 to 12-317 of this code; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

G. Coverage. Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area on interior lots, and thirty-five percent (35%) of the lot area on corner lots. Accessory building shall not cover more than twenty percent (20%) of the rear yard.

SECTION 12-244 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Section 12-302 of this code.

SECTION 12-245 R-3 GENERAL RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

This is a residential district to provide for medium and high population density. The principal use of land may range from single family to multiple family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate air, light and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

SECTION 12-246 USES PERMITTED.

Property and buildings in a R-3 General Residential District shall be used only for the following purposes:

1. Any use permitted in an R-2 Restricted Residential District;
2. Multiple family dwelling;
3. Rooming or boarding house;
4. Garage apartment, when located on a separate lot or on the same lot with another dwelling use; and
5. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

SECTION 12-247 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-121 of this code:

1. Any use permitted on review in an R-2 Restricted Residential District;
2. Institutions of a religious, educational or philanthropic nature;
3. Private clubs, sororities, fraternities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business;
4. Medical facility;
5. Trailer home or mobile home park; and
6. An off-street parking lot associated with a C-Commercial use as required under the provisions of Sections 12-310 to 12-317 of these regulations.

SECTION 12-248 AREA REGULATIONS.

A. All buildings shall set back from street right-of-way lines or lot lines to comply with the following yard requirements.

B. Front yard:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are

improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than fifty (50) feet; and

3. When a yard has double frontage the front yard requirements shall be complied with on both sides.

C. Side yard:

1. For dwellings located on interior lots there shall be a side yard on each side of the main dwelling of not less than five (5) feet for dwelling;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;

4. Mobile home parks shall be planned in such a manner that no trailer, or related building, shall be located closer than ten (10) feet to any side lot line; and

5. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard:

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists; and

2. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line.

E. Lot width. There shall be a minimum lot width of fifty (50) feet at the front building line and a lot shall abut on a street not less than thirty-five (35) feet.

F. Intensity of use:

1. There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling, not less than five thousand (5,000) square feet for a two family dwelling, and an additional area of not less than one thousand (1,000) square feet for each family, more than two (2), occupying a dwelling;

2. There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a single family dwelling. When a garage apartment is located in the rear yard of a two family or multiple family dwelling the lot area shall not be less than two thousand (2,000) square feet more than is required for the two family or multiple family dwelling; and

3. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Sections 12-310 to 12-317 of this code; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

G. Coverage. Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area on interior lots and not more than forty percent (40%) of the lot area on corner lots. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

#### SECTION 12-249 HEIGHT REGULATIONS.

No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Section 12-302 of this code.

#### SECTION 12-255 C-1 NEIGHBORHOOD SHOPPING DISTRICT, GENERAL DESCRIPTION.

This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas.

Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off-street parking are made than are permitted in other commercial districts.

SECTION 12-256 USES PERMITTED.

Property and buildings in a C-1 Neighborhood Shopping District shall be used only for the following purposes:

1. Any use permitted in an R-3 General Residential District;
2. Any use permitted on review in an R-3 General Residential District;
3. Retail stores and shops, the total area of which do not exceed fourteen thousand (14,000) square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience as follows:

- a. Antique shop;
- b. Appliance store;
- c. Art school, gallery or museum;
- d. Artists materials, supply studio;
- e. Automobile parking lot;
- f. Baby shop;
- g. Bakery goods store;
- h. Barber shop;
- i. Beauty shop;
- j. Book or stationery store;
- k. Camera shop;
- l. Candy store;
- m. Cleaning, pressing, laundry collection agency;
- n. Curio store or gift shop;
- o. Drugstore or fountain;
- p. Dry goods store;
- q. Dairy products or ice cream store;
- r. Delicatessen;
- s. Dress shop;
- t. Florist shop, greenhouse, nursery;
- u. Furniture store;
- v. Grocery store or supermarket;
- w. Hardware store;
- x. Hotel;
- y. Jewelry or notion store;
- z. Lodge hall;
- aa. Meat market;

- bb. Medical facility;
- cc. Messenger or telegraph service;
- dd. Musical instrument sales;
- ee. Newspaper or magazine sales;
- ff. Office, business;
- gg. Optometrists sales and service;
- hh. Photographer studio;
- ii. Pharmacy;
- jj. Radio and television sales and service;
- kk. Restaurant but not drive-in restaurants;
- ll. Self-service laundry or dry cleaning;
- mm. Sewing machine sales, instruction;
- nn. Sporting goods sales;
- oo. Shoe repair shop;
- pp. Tailor shop;
- qq. Toy store; and
- rr. Variety store.

4. One name plate and sign of reasonable size relating only to the use of the store and premises or to products sold on the premises;

5. Accessory buildings and uses customarily incidental to the above uses; and

6. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in paragraphs 1 through 5 of this subsection shall be displayed or stored outside of a building.

#### SECTION 12-257 AREA REGULATIONS.

A. The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district.

B. Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

C. Side yard. On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. There shall be a side yard setback from an intersecting street not less than twenty (20) feet.

D. Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet.

SECTION 12-258 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Section 12-302 of this code.

SECTION 12-260 C-2 GENERAL COMMERCIAL DISTRICT, GENERAL DESCRIPTION.

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

SECTION 12-261 USES PERMITTED.

Property and buildings in a C-2 General Commercial District shall be used only for the following purposes:

1. Any use permitted in a C-1 Neighborhood Shopping District; provided, however, that multiple family structures must comply with all requirements of the R-3 General Residential District except the intensity of use requirements which shall not apply;

2. Amusement enterprises;

3. New automobile sales and services, new machinery sales and service, and public garage, provided no gasoline is stored above ground; used automobile and machinery sales and service, and automobile and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards

4. Any of the following uses:

- a. Advertising signs or structures.
- b. Auto court or tourist court;
- c. Ambulance service, office or garage;
- d. Automobile service station;
- e. Bait sales;

- f. Bakery;
- g. Bath house;
- h. Boat sales;
- i. Bus terminal;
- j. Cleaning plant;
- k. Cabinet shop;
- l. Clothing or apparel store;
- m. Commercial school or hall;
- n. Dance studio;
- p. Department store;
- q. Drive-in theater or restaurant;
- r. Electric transmission station;
- s. Feed and fuel store;
- t. Frozen food locker;
- u. Furniture repair and upholstery;
- v. Funeral parlor or mortuary;
- w. Golf course, miniature or practice range;
- x. Heating, ventilating or plumbing supplies, sales and service;
- y. Hospital for small animals;
- z. Interior decorating store;
- aa. Ice storage locker plant or storage house for food;
- bb. Key shop;
- cc. Kennel;
- dd. Laboratories, testing and experimental;
- ee. Laundry;
- ff. Leather goods shop;
- gg. Music, radio or television shop;
- hh. Museum;
- ii. Night club;
- jj. Novelty shop;
- kk. Nursery or garden supply store; kk. Outdoor advertising signs;
- ll. Pawn shop; mm. Pet shop;
- mm. Printing plant;
- nn. Recreation center;
- oo. Research laboratories;
- pp. Roller skating rink;
- qq. Sign painting shop;
- rr. Sporting goods store;
- ss. Stock and bond broker;
- tt. Storage warehouse;
- uu. Theater;
- vv. Tavern;
- ww. Toy store;
- xx. Travel trailer park; zz. Used automobile sales; and
- yy. Wholesale distributing center;

5. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;

6. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments; and

7. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

SECTION 12-262 OPEN DISPLAY USES PERMITTED.

A. The following uses shall be permitted in the C-2 General Commercial District, provided that they comply with the additional provisions of this subsection:

1. Boat sales and service;
2. Farm implement and machinery, new and used, sales;
3. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;
4. Mobile home and travel trailer sales;
5. Monument sales;
6. New and used automobile sales;
7. Prefabricated house sales; and
8. Trailers for hauling, rental and sales.

B. The uses enumerated in paragraphs 1 through 8 of subsection A of this section shall comply with the following provisions:

1. All of the lot used for the parking vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

2. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building;

3. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns; and

4. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

SECTION 12-263 AREA REGULATIONS.

A. The area regulations for dwellings shall be the same as the requirements of the R-3 General Residential District. The following requirements shall apply to all other uses permitted in this district:

B. Front and side yards. There are no specific front or side yard requirements for uses other than dwellings.

C. Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet in width.

D. Area for off-street parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 to 12-317 of this code.

SECTION 12-264 HEIGHT REGULATIONS.

The height regulations for dwellings and buildings accessory to dwellings shall be the same as those in the R-3 General Residential District. For other uses no building shall exceed forty-five (45) feet in height, except as hereinafter provided in Section 12- 302 of this code.

SECTION 12-270 I-1 LIGHT INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

SECTION 12-271 USES PERMITTED.

A. Property and buildings in an I-1 Light Industrial District shall be used only for the following purposes:

1. Any use, except dwelling, permitted in the C-2 General Commercial District. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 Light Industrial District;

2. Any of the following uses:

- a. Bakery;
- b. Bottling works;
- c. Book bindery;
- d. Candy manufacturing;
- e. Engraving plant;
- f. Electronic equipment assembly;
- g. Electronic equipment assembly and manufacture;
- h. Food products processing and packing;
- i. Furniture manufacturing;
- j. Instrument and meter manufacturing;
- k. Jewelry and watch manufacturing;
- l. Laundry and cleaning establishment;
- m. Leather goods; fabrication;
- n. Optical goods manufacturing;
- o. Paper products manufacturing;
- p. Show manufacturing;
- q. Sporting goods manufacturing; and
- r. Wholesale or warehousing enterprise

3. Any of the following uses:

- a. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
- b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;
- c. Freighting or trucking yard or terminal;

- d. Oil field equipment storage yard;
- e. Oil field service companies;
- f. Public utility service yard or electrical receiving or transforming station; and
- g. No article or material permitted in paragraphs 1 and 2 of subsection A of this section shall be kept, stored or displayed outside of a building unless it be fenced;

4. The following uses when conducted within a completely enclosed building:

a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;

c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;

g. Machine shop;

h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like; and

j. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

B. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

SECTION 12-272 AREA REGULATIONS.

A. Front yard and side yard. There are no specific front or side yard requirements for uses in this district; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the side lot line that adjoins a dwelling district.

B. Rear yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.

C. Rear area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 through 12-317 of this code.

SECTION 12-273 HEIGHT REGULATIONS.

No building shall exceed ninety (90) feet in height, except as hereinafter provided in Section 12-302 of this code.

SECTION 12-275 1-2 HEAVY INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these regulations. The intensity of uses in this district makes it most desirable that they be located downwind and separated from residential and commercial uses.

SECTION 12-276 USES PERMITTED.

Property and buildings in an I-2 Heavy Industrial District may be used for any use except the following:

1. All residential uses except sleeping facilities required by night watchmen and caretakers employed upon the premises;
2. All uses not complying with these regulations, or any other county, state or federal regulation or law;
3. Automobile salvage or junk yard;
4. Building materials salvage yard;
5. Junk or salvage yard of any kind;
6. Scrap metal storage yard;
7. Cement, lime or gypsum manufacture;
8. Commercial feed pens for livestock;
9. Natural gas production and distribution;
10. Petroleum production and refining;
11. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products; or
12. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.

SECTION 12-277 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance

with the provisions contained in Section 12-121 of this code:

1. Cement, lime or gypsum manufacture;
2. Commercial feed pens for livestock;
3. Natural gas production and distribution;
4. Petroleum production and refining;

5. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products;

6. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants;

7. Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental fences, walls and evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located, and further provided, however, that no screening in excess of seven (7) feet in height shall be required; and

8. Any use not otherwise authorized by these regulations.

#### SECTION 12-278 AREA REGULATIONS.

A. Front and side yard. There are no specific front or side yard requirements for uses in this district.

B. Rear yard. Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles whichever is the greater. In all other cases no rear yard is required.

C. Yard area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 through 12-317 of this code.

#### SECTION 12-279 HEIGHT REGULATIONS.

Where a lot adjoins a dwelling district the building shall not exceed thirty-five (35) feet, unless it is set back ten (10) feet from all front and side yard lines, plus an additional one foot of setback for each foot of additional height above forty-five (45) feet, except as otherwise provided in Section 12-302 of this code.

#### SECTION 12-280 F-FLOOD PLAIN DISTRICT, GENERAL DESCRIPTION.

This district is intended to comprise those areas which are subject to periodic or occasional flooding and therefore are unsuited for all residential uses and for most commercial and industrial uses. It is intended that the area be retained for agricultural and recreational uses only until danger from flooding is eliminated.

SECTION 12-281 USES PERMITTED.

Property and buildings in the F-Flood Plain District shall be used only for the following purposes:

1. The growing of agricultural crops and nursery stock and gardening;
2. The raising of poultry and livestock in accordance with the municipal ordinances relating thereto, but not the operation of commercial feed pens for cattle or hogs; and
3. Public recreation.

Cross Reference: See also Sections 12-501 et seq. for Flood Plain Regulations.

SECTION 12-285 PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT, DESCRIPTION.

Planned Unit Development is an alternative to conventional development where the particular tract is under common ownership or control, and a detailed plan (outline development plan) for the development of the tract as a unit is proposed and submitted for public review. The supplemental zoning district PUD must be approved by the city council as a prerequisite to the planned unit development.

SECTION 12-286 PURPOSES.

The purposes of Planned Unit Development are as follows:

1. To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located; and
2. To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas and to best utilize the potential of sites characterized by special features of geography, topography, size or shape.

SECTION 12-287 GENERAL PROVISIONS.

Planned Unit Development is permitted on tracts that have the supplemental district designation PUD. In every instance, the PUD is to be reviewed as to the proposed location and character of the

uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this chapter. No modification or use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this chapter is submitted to and approved by the planning commission and filed of record in the office of the county clerk.

SECTION 12-288 PRINCIPAL USES PERMITTED IN PLANNED UNIT DEVELOPMENTS.

A Planned Unit Development shall primarily be residential when located within an R-1, R2, or R-3 District. The development may consist of one or more of the following dwelling types:

Single Family Detached Dwelling, Duplex Dwelling, Multifamily Dwelling, Townhouse, and similar uses. The uses other than dwellings, which are permitted by right or uses, other than dwellings, which are permitted by right or exception in the R Districts may be included within a PUD, if such non-residential uses do not occupy more than ten percent (10%) of the gross area of the PUD which are in the R-1, R-2, or R-3 Zone, and are designed and located to be compatible with the residential use of adjacent properties. Land set aside for public facilities such as schools, libraries, firehouses, etc., shall be excluded for the purposes of calculating the gross area of the PUD. The use permitted in areas zoned as commercial or industrial districts shall be limited to those uses permitted in the district to which the property is zoned.

SECTION 12-289 ACCESSORY USES.

Accessory uses customarily incident to the residential uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the Residential Districts except as hereafter provided for accessory commercial uses. Within a PUD accessory commercial facilities may be included in accordance with the following standards:

1. The commercial uses shall be limited to convenience goods and services and eating places other than drive-ins;

2. The aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet;

3. Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet of floor area;

4. Commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted; and

5. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, and shall be designed and located in such manner as to be compatible with the residential use of the PUD and of adjacent properties.

SECTION 12-290 LOT WIDTH AND LOT AREA MINIMUMS.

Within a PUD, a minimum lot size requirement of eight hundred (800) square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of twenty (20) feet shall apply to lots utilized for dwelling purposes.

SECTION 12-291 NUMBER OF PERMITTED DWELLING UNITS.

A. It is the intent of this code that the aggregate density and intensity of use within the PUD remain the same as that which would be permitted if the area were developed conventionally, but that within the PUD the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

Residential Area of the PUD  
divided by Permitted D.U.'s = Minimum land area per d.u. permitted  
in the applicable use district.

B. The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas. Each six hundred (600) square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

SECTION 12-292 LIVABILITY SPACE.

Livability space may be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Sections 12-297 and 12-298 of this code.

SECTION 12-293 BUILDING HEIGHT.

Within a PUD, the maximum building height shall be established in the outline development plan as set forth in these regulations.

SECTION 12-294 YARDS.

Within a PUD, there shall be no minimum yards except as provided within Section 12-295 of this code.

SECTION 12-295 PERIMETER REQUIREMENTS.

The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located, provided that within two hundred (200) feet of any abutting property in an R-1 classification, structures containing more than two (2) dwelling units and exceeding fifteen (15) feet in height measured from the ground floor to the top of the top plate shall be setback twenty-five (25) feet plus two (2) feet of setback for each one foot of building height exceeding fifteen (15) feet measured from the ground floor level to the top of the top plate. Unenclosed off street parking area, containing six (6) or more spaces, shall be screened from adjoining R-1 Districts by the erection of a screening wall or fence along the lot line or lines in common with the R-1 District, provided that if the parking area is located more than fifty (50) feet from the R-1 District, the screening requirement shall not apply.

SECTION 12-296 OFF-STREET PARKING AND LOADING.

Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements for off-street parking and loading. Required spaces may be provided on the lot containing the dwelling units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the

ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Sections 12-297 and 12-298 of this code.

SECTION 12-297 GENERAL ADMINISTRATION OF PLANNED UNIT DEVELOPMENT.

A. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of not less than two (2) acres in size may make application for the approval of a PUD by filing an application for an outline development plan and a supplemental zoning district designation PUD.

B. An application for the approval of an outline development plan and the supplemental district designation PUD, may be processed simultaneously with and contingent upon an application for an amendment to the zoning map.

SECTION 12-298 APPLICATION AND OUTLINE DEVELOPMENT PLANS.

An application for a Planned Unit Development shall be filed with the planning commission. The application shall be accompanied by the payment of a Thirty-five Dollar (\$35.00) fee. Such fee shall not include advertising and sign costs which shall be billed to the applicant. The application shall be in such form and content as the planning commission may by resolution establish, provided that three (3) copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps or text which contain the following:

1. Existing topographic character of the land;
2. Proposed land uses, including public uses and open space and the approximate location of buildings and other structures;
3. The character and approximate density of dwellings. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the PUD;
4. The approximate location of thoroughfares;
5. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
6. An explanation of the character of the planned development; and

7. The expected schedule of development.

### ARTICLE 3

#### GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

##### SECTION 12-300 APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT.

A. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or identified to be used primarily for non-residential purposes.

##### SECTION 12-301 OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 2 herein:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure;

2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, or hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height;

3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty (50) feet back from the center line of the street easement; provided, however, that this shall not be construed as reducing specific district requirements;

4. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty (50) feet in width, for at

least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard;

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise;

6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two (2) feet six (6) inches and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;

7. An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line;

8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used; and

9. Whenever one or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

SECTION 12-302 HEIGHT.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 2 herein:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story;

2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit;

3. Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

SECTION 12-303 GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of these regulations to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the board of adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by these regulations in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

SECTION 12-304 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any

residential district except in accordance with the following provisions:

1. Not more than one vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquified petroleum products be permitted;

2. Not more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted and the trailer shall not exceed thirty-three (33) feet in length, or eight (8) feet in width; and further provided that the trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. All such vehicles shall be parked behind the front yard build line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the regulations of the city; and

3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the regulations of the city.

SECTION 12-305 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.

SECTION 12-306 ANIMALS.

Animals in any district shall be kept only in accordance with the regulations of the city.

SECTION 12-307 STORAGE OF LIQUIFIED PETROLEUM GASES.

The use of land or buildings for the commercial, wholesale or retail storage of liquified petroleum gases shall be in accordance with the regulations of the city and the regulations of the Liquified Petroleum Gas Administration of the State of Oklahoma.

SECTION 12-308 TRAILER PARK REGULATIONS.

Travel trailer parks and mobile home parks shall be constructed in accordance with the requirements of the regulations of the city.

## ARTICLE 4

## OFF-STREET PARKING REQUIREMENTS

SECTION 12-310 GENERAL INTENT AND APPLICATION OF OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the city. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 12-311 REQUIRED OPEN SPACE.

Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner. The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-i Neighborhood Shopping District may be used for uncovered parking area. The front yard required in a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 12-317 of this code.

SECTION 12-3 12 LOCATION.

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

SECTION 12-3 13 JOINT PARKING FACILITIES.

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

SECTION 12-314 SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) by twenty (20) feet plus adequate area for ingress and egress.

SECTION 12-315 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single family or duplex: One parking space for each separate dwelling unit within the structure;

2. Dwelling, multiple family: The number of spaces provided shall not be less than one and one-half (1 1/2) times the number of units in the dwelling;

3. Boarding or rooming house or hotel: One parking space for each two (2) guests provided overnight accommodations;

4. Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles;

5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one space for each two (2) employees;

6. Sanitariums, convalescent or nursing homes: One space for each six (6) patient beds plus one space for each staff or visiting doctor plus one space for each two (2) employees including nurses;

7. Community center, theater, auditorium, church sanctuary: One parking space for each four (4) seats, based on maximum seating capacity;

8. Convention hall, lodge, club, library, museum, place of amusement or recreation:

One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service;

10. Commercial establishments not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and

11. Industrial establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

B. For all uses not covered in paragraphs 1 through 11 above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

SECTION 12-316 PAVED SURFACE REQUIRED.

All parking spaces shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from the continued use.

SECTION 12-317 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition;

2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required;

3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round;

4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns;

5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

6. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses; and

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non- intermittent white lighting of signs shall be permitted.

## ARTICLE 5

### NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

#### SECTION 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.

A nonconforming building or structure existing at the time of adoption of these regulations may be continued, maintained and repaired, except as otherwise provided in this article.

#### SECTION 12-321 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES.

A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which the building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located.

#### SECTION 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform to the provisions hereof, shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their

supporting members shall be completely removed from the premises not later than three (3) years from the effective date of these regulations (September 21, 1965).

SECTION 12-323 BUILDING VACANCY.

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

SECTION 12-324 CHANGE IN USE.

A. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of six (6) months after the effective date of these regulations, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

B. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of nonconforming building or structure is changed to a use of more restricted district classification, it thereafter shall not be changed to a use of less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of these regulations, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

SECTION 12-325 DAMAGE TO BUILDING.

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty percent (50%) of its true value, it shall not be restored except in conformity with the district regulations, unless express approval thereof is permitted by the planning commission after proper application is made therefor.

SECTION 12-326 NONCONFORMING USE OF LAND.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than One Thousand Dollars (\$1,000.00), existing at the time of adoption of these regulations, may be continued for a period of not more than three (3) years therefrom, provided that:

1. The nonconforming use may not be extended or expanded nor shall it occupy more area than was in use on the effective date of these regulations (September 21, 1965); and

2. If the nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which the land is located.

ARTICLE 6

ADMINISTRATION

SECTION 12-330 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.

These regulations shall be enforced by a building inspector, acting at the direction of the city manager. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structure or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions in this article.

SECTION 12-331 BUILDING PERMIT.

Whenever any structure or building is to be improved in an amount exceeding Five Hundred Dollars (\$500.00), or erected, moved, or structurally altered, a building permit shall be obtained from the building inspector. The building inspector may require any applicant for a building permit to furnish the following information:

1. A plot plan, drawn to scale, showing:
  - a. The exact size, shape, and dimensions of the lot to be built upon;
  - b. The exact size and location on the lot of all existing buildings and structures;

- c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and
- d. The size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities;

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

3. Additional information relating to the proposed improvement needed to determine the compliance with these regulations; and

4. A survey prepared under the supervision of the city engineering department or by an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

SECTION 12-332 CERTIFICATE OF OCCUPANCY.

No change shall be made in the use of any land or building or structure after the passage of these regulations until a certificate of occupancy is obtained from the city clerk certifying that all of the provisions of these regulations are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

Cross Reference: As regards building permits, see also Section 12-331 of this code.

SECTION 12-333 VIOLATIONS AND PENALTIES.

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of these regulations shall be punished as provided in Section 1-108 of this code. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 12-334 AMENDMENTS.

A. The city council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least twenty (20) days' notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the city.

B. Every such proposed amendment shall be referred to the city planning commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the city council.

C. Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged to the city council requesting an amendment of the regulations prescribed for such area, it shall be held the duty of the city council to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the city clerk.

D. For each petition for amendment to the zoning regulations a fee as set by the council plus the cost of legal publication shall be paid to the city clerk.

SECTION 12-335 CLASSIFICATION OF NEW ADDITIONS.

A. All new additions and annexations of land to the city shall be in an R-1 residential zone unless otherwise classified by the city council, for a period of time not to exceed one year from the effective date of the ordinance annexing the addition.

B. Within this one-year period of time the city council shall instruct the city planning commission to study and make recommendations concerning the use of land within the annexation to promote the general welfare and in accordance with the comprehensive plan, and upon receipt of such recommendations, the city council shall, after public hearings as required by law, establish the district classification of the annexation; provided,

however, that this shall not be construed as preventing the city council from holding public hearings prior to annexation and establishing the district classification at the time of the annexation.

SECTION 12-336 VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

ARTICLE 7

SUBDIVISION REGULATIONS

DIVISION 1

GENERAL PROVISIONS

SECTION 12-401 PURPOSE.

A. The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, alleys, schools, parks, and other public purposes, will determine to a large degree the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

B. These regulations are designed, intended, and should be administered in the following manner to:

1. Implement the general plan;
2. Provide neighborhood conservation and prevent the development of slums and blight;
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or

developers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community;

5. Provide the best possible design for the tract;
6. Reconcile any differences of interests; and
7. Establish adequate and accurate records of land subdivision.

SECTION 12-402 AUTHORITY.

These subdivision regulations and minimum standards for land development are adopted by ordinance passed by the city council under the authority granted by Sections 44-101 et seq. and 45-104 of Title 11 of the Oklahoma Statutes.

SECTION 12-403 APPLICATION TO TYPES OF SUBDIVIDING.

These regulation and development standards shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area;
2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area;
3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; and
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

SECTION 12-404 DEFINITIONS.

For the purpose of these regulations, certain terms used herein are defined as follows:

1. "Alley" means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;

2. "Block" means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof;

3. "Building line" or "setback line" means a line or lines designating the area outside of which buildings may not be erected;

4. "City" means the City of Fairview, Oklahoma;

5. "City council" means the Fairview city council;

6. "Easement" means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes;

7. "General plan" means the comprehensive development plan for the city which has been officially adopted to provide long-range development policies for the area subject to the urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities;

8. "Lot" means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development;

9. "Lot, corner" means a lot located at the intersection of and abutting on two (2) or more streets;

10. "Lot, double frontage" means a lot which runs through a block from street to street and which has two (2) non-intersecting sides, abutting on two (2) or more streets;

11. "Lot, reverse frontage" means a double-frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress provided on a minor street;

12. "Planning commission" means the Fairview planning commission;

13. "Plat, preliminary" means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land;

14. "Plat, final" means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and

dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land;

15. "Street" means any public or private right-of-way which affords the primary means of access to abutting property;

16. "Street, major" means an arterial street which is designated on the major street plan;

17. "Street, minor" means a street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged;

18. "Street, collector" means a minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility;

19. "Street, cul-de-sac" means a minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround;

20. "Street, frontage or service" means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access;

21. "Subdivider" means any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined; and

22. "Subdivision" means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way easement.

SECTION 12-405 GENERAL PROCEDURE FOR PLAT APPROVAL, RECORDING, FILING.

A. For all cases of subdividing within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the planning commission and city council for their approval or disapproval, as provided hereafter in these regulations.

B. No plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been approved by the planning commission and by the city council as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the planning commission, and no

lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of the date of planning commission or city council approval, whichever is the later, shall void all approvals thereto.

C. Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefor.

D. To defray partially the costs of notification and administration procedures there shall be paid to the city clerk at the time of submission of the preliminary plat a fee in the following amount: Five Dollars (\$5.00) plus One Dollar (\$1.00) per lot for the first fifty (50) lots, plus ten cents (\$.10) for each additional lot. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the date of preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

E. Plats containing four (4) lots or fewer may be exempted from the provisions of all or part of procedural provisions contained in this section and this chapter upon written approval of the planning commission.

## DIVISION 2

### DESIGN

#### SECTION 12-410 URBAN DESIGN PRINCIPLES.

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

1. It is intended that the Fairview urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served

by one elementary school. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood;

2. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate air, light, open space, landscaping, and off-street parking and loading facilities;

3. The arrangements of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area;

4. Circulation within the urban area shall be provided in accordance with the following design criteria:

- a. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan. Arterial streets should be located on the perimeter of the residential neighborhood;
- b. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes;
- c. Collector streets should be designed to provide a direct route from other minor streets to the major street system;
- d. Ingress and egress to residential properties should be provided only to minor streets; and
- e. Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks and playgrounds, churches and shopping centers; and

5. Minimum standards for development are contained in the zoning regulations, the building code and in these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plan and in these regulations rather than be limited to the minimum standards required herein.

SECTION 12-411 STREETS.

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

1. Major streets shall be planned to conform with the major street plan;

2. Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic;

3. Minor streets shall be laid out so that their use by arterial traffic will be discouraged;

4. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures;

5. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the planning commission;

6. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future tract system for the unsubdivided portion may be required by the subdivider;

7. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easement;

8. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided;

9. Street right-of-way widths shall be in accordance with the major street plan and, where not designated therein, shall be not less than the following:

a. Major Streets

Primary 100 feet;  
Secondary 50 feet;

b. Minor Streets

Collector 60 feet;  
Minor 60 feet;  
Cul-de-sac 50 feet.

10. The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. However, the paved width for any secondary street or culde-sac shall be a minimum of thirty (30) feet and shall be constructed in one of the following manners:

- a. With a six (6) inch concrete curb, thirty (30) inch concrete gutter, and with six (6) inches of asphalt stabilized base with a double bituminous surface;  
or
- b. With a six (6) inch concrete curb and thirty (30) inch concrete gutter with six (6) inches of Portland cement surface;

11. Lane widths for all streets shall be as follows:

- a. All major streets shall have lanes for traffic movement of not less than eleven (11) feet or more than twelve (12) feet in width, and lanes for parallel parking or emergency stopping of not less than ten (10) feet in width; and
- b. All minor streets shall have lanes for traffic movement of not less than ten (10) feet or more

than twelve (12) feet in width and a lane for parallel parking of not less than eight (8) feet in width. Streets should be developed in accordance with the general standards given in Figure 1. This figure is included for the purpose of illustration and is not to be considered a mandatory design standard;

12. A cul-de-sac should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turnaround, and if more than one hundred fifty (150) feet in length shall be provided with a turnaround having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line. There shall be provided in the center of the turnaround an unpaved island, improved with grass and landscaping that will not interfere with sight distance, which has a radius of not less than twelve (12) feet, or more than sixteen (16) feet;

13. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

14. The arrangements of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties; and

15. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.

SECTION 12-412 STANDARD STREETS IN E-1 ESTATE RESIDENTIAL SUBDIVISIONS.

A. An E-1 Estate Residential subdivision street is defined as follows:

1. The street will serve no more than twenty (20) lots;
2. All lots served by street shall be two (2) acres or more in size;
3. No public use other than emergency not any other major traffic generator will be served by the Street;

4. No commercial or industrial zones or uses will be served by the street;

5. The street will not be on a section line; and

6. The street will not connect with or be an outlet for any other subdivision.

B. The street right-of-way width for estate type streets shall be not less than sixty (60) feet. A cul-de-sac on estate type streets shall be on a right-of-way having a minimum radius of not less than fifty (50) feet.

C. Geometric design standards for estate type streets shall be the same as minor streets, subject to minor modifications as approved by city council when such modifications are fully documented as needed.

D. The minimum paved width of residential estate type streets shall be twenty (20) feet, with two (2) foot wide shoulders, and constructed in accordance with standards as adopted by the city council.

E. A dead-end residential estate subdivision street shall not exceed one thousand three hundred (1,300) feet in length, measured from the centerline of the intersecting street to the end, and if more than five hundred (500) feet in length shall be provided with a circular turnaround (Cul-de-Sac) having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet radius of paved area.

F. The minimum standards required for total paving thickness shall be five (5) inches Portland cement concrete with two (2) inches of sand cushion. Where unusual soil conditions exist the city may require higher standards of paving for residential estate subdivision streets.

G. A maximum of twenty (20) acres will be allowed to drain to the street. This limit shall be controlled by street layout, diversion dikes, or other methods. Concentrated drainage will not be allowed to enter the street, however small the drainage area. Minimum culvert size will be eighteen (18) inches, State Highway Standard gauge, with a minimum of twelve (12) inches cover over the culvert.

H. Concrete curbs are optional, however, they may be required in areas near the urban limits, areas of intensified development, extensions of streets that have curbs, where conditions indicate that erosion of a side ditch may occur, where

a side ditch would have a slope of less than fifty percent (0.5%), and other places deemed necessary by the city council.

I. The minimum ditch slope shall be fifty percent (0.5%). The maximum allowable ditch slope will be governed by the existing soil type, average velocity of flow in the ditch, and scour control devices. Ditches shall have a minimum bottom width of two (2) feet, and the bottom shall be a minimum of twelve (12) inches below the edge of the finished street surface. Maximum allowable side slopes will be 4:1 on the roadbed, and 2:1 on the back slope. No ditches will be required where the land drains away from the roadway, but the edge of the finished street surface shall be six (6) inches above the adjacent ground surface - with sodded road shoulder to slope from top edge of the roadway surfacing to natural grade not less than four (4) feet laterally from the surfacing.

J. A residential estate subdivision street as platted shall not be extended nor provide access to any other lots or subdivisions.

K. The city council may, at their discretion, require a screening easement to preclude further extension or access to a residential estate subdivision street.

L. These standards are considered the minimum acceptable in usual conditions. Compliance with additional requirements may be required by the city in unusual conditions where these standards are inadequate.

#### SECTION 12-413 ALLEYS.

A. Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

B. Alleys serving commercial and industrial areas shall be not less than thirty (30) feet in width.

C. Alleys may be required for residential areas, and when provided should be not less than twenty (20) feet in width.

D. Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

E. Dead-end alleys should be avoided, but if necessary, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

SECTION 12-414 EASEMENTS.

A. Where alleys are not provided and to facilitate underground installation, an easement for utilities at least ten (10) feet wide shall be provided along each side of a side line of lots or the rear line of lots where necessary to form a continuous right-of-way at least twenty (20) feet in width. If necessary for the extension of main water or sewer lines or similar utilities easements of greater width may be required along lot lines or across lots.

B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the city council by ordinance upon the recommendation of the planning commission.

C. Additional easements for pole guys should be provided at the outside of turns. When possible, lot lines should be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

D. Perimeter easements around the outside boundaries of a subdivision shall consist of a minimum of fifteen (15) feet in width, provided a ten (10) foot easement joined by additional ten (10) feet contiguous thereto from the adjoining landowner will be acceptable to the city.

E. Drainage easement for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots. If open channel drainage is to be carried in the street right-of-way, additional right of way width shall be provided. When the drainage is carried down the rear lot lines, the easement shall be of adequate width for workers, with trucks if needed, to enter the easement and keep it cleaned out. The size and location of such easements for open channel drainage shall be determined by the city.

F. When a subdivision is traversed by a water course, drainage channel or stream which drains one hundred sixty (160) acres or more of land there shall be provided a right-of-way for drainage and public parks and public utility purposes, adequate to

contain all the run off from a fifty (50) year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the fifty (50) year maximum flood elevation which shall be calculated in accordance with and shall be adequate to provide for the drainage requirements of these regulations and any other regulations relating thereto.

G. Paragraph F of this section shall not be interpreted as prohibiting the reclaiming of lands subject to flooding by filling or other appropriate methods. Easements along streams in a subdivision shall be adequate along each side for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage park way or recreational use.

#### SECTION 12-415 PUBLIC AREAS AND OPEN SPACES.

A. The city council shall require that land be reserved for parks and playgrounds or other recreation purposes where property is being subdivided for residential development and that the reservations of land be located convenient to service the subdivision from which reservation was obtained. Each reservation shall be of suitable size, dimension, topography and general character, and have adequate road access for the particular purposes envisioned by the city council. The area shall be shown and marked on the plat as "Reserved for Park and/or Recreation Purposes". The amount of land to be reserved is determined on the basis of either one acre per one hundred (100) dwelling units or five percent (5%) of the entire residential area being subdivided, including streets, whichever is larger. The plat shall not be given final approval until these requirements are met. The dedication requirements for multi-family residential shall be based on the maximum number of dwelling units per acre to occupy the site as permitted by the zoning regulations.

B. The city council may require that the land to be dedicated for park and recreation purposes be located on the edge of the subdivision so that additional land may be added at a future date.

C. Existing features which would add value to residential development or the city as a whole, such as trees, watercourses, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required, shall be welled and protected against change of grade. The preliminary plat shall show the number and location of

existing trees as required by these regulations, and shall further indicate all those marked for retention.

D. Except as otherwise provided, public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the general plan in the ordinances relating thereto.

#### SECTION 12-416 WATER LINES, WATER AND SEWER CONNECTIONS.

A. Where an approved public water supply is reasonably accessible or procurable the subdivider shall connect with such water supply and make it available for each lot within the subdivided area. The final plat shall not receive approval until it is certified that there has been compliance with the regulations of the Oklahoma State Health Department.

B. In all new subdivisions for residential purposes submitted to the city, water lines to and within the subdivisions shall be constructed. The owners or developers of the subdivision shall provide all material for both trunk lines and for other water lines to and within the subdivision, including all fire hydrants with valves. The city shall provide labor and ditching for the trunk and other water lines.

C. Where water line in excess of six (6) inches are required by the city, the city shall pay for the costs of material in the line in excess of a normal six (6) inch line.

D. In all cases where the water supply or sewage disposal systems will be connected to lines or mains owned or operated by the city, construction as to the facilities shall be made according to the plans, specifications and requirements and subject to the inspection, supervision and approval of the governing bodies, and of the State Health Department. Approval of the plans for any such water or sewer system by the above shall satisfy the requirements of these regulations with respect to water and sewer facilities.

#### SECTION 12-417 FIRE HYDRANTS.

Fire hydrants shall be installed by the subdivider as provided in Section 12-416 of this chapter. Fire hydrants complying with the specifications of the respective city or National Board of Fire Underwriters shall be installed.

SECTION 12-418 LIGHTING.

Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision in accordance with standards and specifications of the city.

SECTION 12-419 OIL OR GAS WELLS.

A. Where there is found to be a producing oil or gas well which is in, or within one hundred fifty (150) feet of the boundaries of, the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission and so certified by the corporation commission and which is outside the boundaries of a proposed subdivision but within one hundred fifty (150) feet thereof, there shall be a building setback line so placed on the plat so as to prevent the erection of building within one hundred fifty (150) feet of such wells.

B. Where there is found to be an abandoned oil or gas well which is not adequately plugged according to the standards established by the state law and the Oklahoma Corporation Commission, which well is within the boundaries of a proposed subdivision, the well shall be adequately plugged according to the standards and so certified by the Oklahoma Corporation Commission before the plat of such addition is given final approval. In any event, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records. (Prior Code, Sec. 16-49)

SECTION 12-420 LOT SPLITS.

Any proposed lot split shall be submitted to the planning commission for review. If the planning commission is satisfied that the proposed lot split is not contrary to applicable regulations, it shall, within thirty (30) days after submission, approve the lot split and, on presentation of a conveyance of interest of the parcel, shall stamp "approved by the Planning Commission, no plat required", and have it signed by the chairman or other official as may be designated by it. In doing so, the planning commission may require the submission of a sketch plat, record survey and such other information as it may deem pertinent to its determination. As of the effective date of these regulations, no parcel of land may be granted more than one lot split.

SECTION 12-421 MODIFICATION; UNDUE HARDSHIP.

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement

of the regulation would cause practical difficulty or exceptional and undue hardship, the planning commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this regulation or the desirable general development of the neighborhood and the community in accordance with the general plan and the zoning regulations. Any modification thus granted shall be spread upon the minutes of the planning commission setting forth the reasons which, in the opinion of the planning commission, justified the modification.

SECTION 12-422 UNDERGROUND ELECTRICITY.

All final subdivision plats hereinafter accepted by the city shall contain provision for underground electrical wiring. The electrical lines shall be laid by the city at its cost. The Developer shall pay to the City the difference between the cost of materials to construct overhead electrical service and to construct underground electrical service as determined by the City.

SECTION 12-423 BLOCKS.

A. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

1. Provision for adequate building sites suitable to the special needs of the type of use contemplated;
2. Zoning requirements as to lot sizes and dimensions;
3. Needs for convenient access, circulation control and safety of street traffic; and
4. Limitations and opportunities of topography.

B. Blocks for residential use shall not be longer than one thousand eight hundred (1,800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the planning commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

C. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

SECTION 12-424 LOTS.

The design standards for lots are as follows:

1. Residential lots shall be not less than fifty (50) feet in width at the front building line and shall abut a street a distance of not less than thirty-five (35) feet; except that a corner lot shall be not less than sixty (60) feet in width at the front building line;

2. Side lot lines should be approximately at right angles or radial to street lines;

3. The depth of residential lots should be not less than one hundred twenty (120) feet;

4. The area of residential lots shall be not less than six thousand (6,000) square feet;

5. In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty thousand (20,000) square feet and the width of the lot at the front building line shall be not less than one hundred (100) feet;

6. Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use; and

7. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet, shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right-of-access across a planting screen easement.

SECTION 12-425 BUILDING LINES.

Building lines shall be provided for all residential subdivisions as follows:

1. A front building line shall be located not less than twenty-five (25) feet back from the street right-of-way line;

2. A side yard building line on the side of a corner lot abutting the street shall be located not less than twelve and one-

half (12½) feet back of the street right-of-way when such lot is back to back with another corner lot, and not less than twenty (20) feet back of the street right-of-way line in every other case;

3. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk; and

4. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

SECTION 12-426 NEIGHBORHOOD UNIT DEVELOPMENT.

Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac or loop type, the planning commission may vary the requirements of this article in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the entire community. However, in no case shall the lot area be less than six thousand (6,000) square feet for detached single family dwellings.

DIVISION 3

IMPROVEMENTS

SECTION 12-430 GENERAL PROVISIONS.

All improvements shall be designed and installed in accordance with the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

SECTION 12-431 PLAN PREPARATION.

Plans for the improvements herein required shall be prepared by the engineering department of Fairview or by a qualified engineer. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the city clerk at the time of submission of the final plat. One set of "as built" plans and specifications, certified and signed by an engineer registered in the State of Oklahoma, shall be filed with the city clerk prior to the acceptance by the city council of any improvement installed by the subdivider.

SECTION 12-432 SURETY BOND.

In lieu of completion of the improvements herein required, the city council may require the subdivider to file a surety bond with the city clerk to insure the actual construction of such improvements according to the plans and specifications approved by the planning commission within a period of time not to exceed two (2) years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the planning commission and with surety and conditions satisfactory to the city council. In any case, where the city council does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision unless a bond, in the amount of one hundred percent (100%) of the estimated cost, is posted for the portion of the drainage or utility improvements that will protect the affected area.

SECTION 12-433 PERMANENT MARKERS.

Each lot and block corner shall be marked with iron pipes or pins not less than one-half ( $\frac{1}{2}$ ) inch in diameter and not less than eighteen (18) inches long at least one inch below the finished grade. Each subdivision corner shall be marked with a permanent concrete marker capped with a noncorrosive metal plate, set not less than one inch below the finished grade. A plan of an acceptable marker is on file in the office of the city clerk and may be inspected by any interested person on request. (

SECTION 12-434 STREET IMPROVEMENTS.

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes, shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the street construction specifications of the city and in accordance with the following provisions:

1. The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Oklahoma State Highway Department, but in no case shall the standard be less than the applicable street construction specifications of the city;

2. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to

serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivisions, as determined by the planning commission; and

3. All driveways which connect with public streets shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways," as revised, and subsequent amendments thereto, as prepared by the Oklahoma State Highway Department.

SECTION 12-435 SIDEWALKS.

A plan for a system of sidewalks and walkways may be required to be prepared that will provide every lot within a residential or commercial subdivision, or portion thereof, with a direct sidewalk connection with all of the community facilities and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The planning commission may require the construction of sidewalks to connect with existing or future proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation. Sidewalks and walkways shall be constructed in the subdivision in accordance with the specifications governing sidewalk and walkway construction.

SECTION 12-436 WATER LINES.

Water lines and fire hydrants shall be installed in accordance with city policy and regulations.

SECTION 12-437 SANITARY SEWERS.

A. The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the planning commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction which requires at a minimum a manhole every three hundred (300) feet and a pipe size of eight (8) inches.

B. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:

1. A lot for residential use on which a unit disposal system is located shall be not less than twenty thousand (20,000) square feet in area;

2. No portion of any unit disposal system shall be located closer than twenty (20) feet to the lot line of the lot on which the system is located; and

3. All unit disposal systems shall comply with the requirements of the state and county health departments.

C. When subdivisions contain five (5) acres or more, the planning commission may require the subdivider to install sanitary sewers, and a disposal system that is adequate to serve all of the lots within the subdivision.

#### SECTION 12-438 STORM SEWERS AND DRAINAGE.

Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

#### SECTION 12-439 MAINTENANCE AND SUPERVISION.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance and supervision of such facilities.

### Division 4

#### PLAT PREPARATION AND APPROVAL PROCEDURE

#### SECTION 12-440 THE PRELIMINARY PLAT.

The subdivider shall prepare a preliminary plat for submission to the planning commission. Four (4) copies of the preliminary plat shall be submitted to the office of the city clerk not less than seven (7) days prior to the meeting at which it is to be considered.

#### SECTION 12-441 CERTIFICATION OF DESIGN.

The preliminary plat shall be accompanied by a statement signed by a qualified engineer preparing the plat certifying that he has, to the best of his ability, designed the subdivision in accordance with the general plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.

SECTION 12-442 CONTENTS OF THE PRELIMINARY PLAT.

The preliminary plat shall be drawn at a scale of one hundred (100) feet to one inch and shall contain or be accompanied by the following information:

1. The scale, north point and date;
2. The proposed name of the subdivision;
3. The name and address of the owner of record, the subdivider and of the registered engineer preparing the plat;
4. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;
5. The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of city limits, if falling within or immediately adjoining the tract;
6. The land contours with vertical intervals not greater than two (2) feet referenced to a United States Geological Survey or Coast and Geological Survey bench mark or monument;
7. The location of existing buildings, water, water courses, and the location of dedicated streets at the point where they adjoin or are immediately adjacent to the subdivision, provided however, that actual measured distances shall not be required;
8. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location, and width of streets, alleys, easements and setback lines and the approximate lot dimensions;
9. The location, approximate size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
  - a. Water mains;
  - b. Sanitary sewer mains, sub-mains and laterals;
  - c. Storm sewers, culverts and drainage structures; and

## d. Street improvements;

10. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat; and

11. The classification of every street within or adjacent to the subdivision in accordance with the intended use to the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector, or minor street in parentheses, directly on each street.

SECTION 12-443 PLANNING COMMISSION ACTION.

The planning commission shall approve, approve conditionally, or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chairman and shall be attached to one copy of the plat and transmitted to the subdivider. Unless stipulation for additional time is agreed to by the subdivider, if no action be taken by the planning commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved. The reasons for disapproval or conditional approval shall refer specifically to those parts of the general plan or specific regulations with which the plat does not conform. On conditionally approving a plat, the planning commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and planning commission agree upon any revision which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

SECTION 12-444 THE FINAL PLAT.

A final plat, neatly drawn in ink on tracing cloth, and three (3) dark line prints thereof, shall be submitted to the office of the city clerk not less than five (5) days before the planning commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

SECTION 12-445 TIME OF SUBMISSION.

The final plat of the proposed subdivision shall be submitted to the planning commission and city council for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time. The final plat shall be filed in the office of the county clerk within two (2) years after approval by the city council and planning commission, or if not filed within such time, the approval shall be considered as having been voided.

SECTION 12-446 DRAFTING.

The final plat shall be drawn at a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33½) inches between border lines. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half (½) inch surrounding the sheet shall be left blank at the top, bottom, and right hand side, and a margin of two (2) inches at the left side for binding purposes.

SECTION 12-447 CONTENTS OF THE FINAL PLAT.

The final plat shall show the following:

1. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;
2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified;
3. The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with the adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines;
4. The lines of all proposed streets fully dimensioned by lengths and bearings or angles;

5. The lines of all proposed alleys. Where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length or bearing shall be given;

6. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located;

7. The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle or bearing value may be omitted;

8. The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public";

9. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively through each block, with areas to be excluded from platted marked "Reserved" or "Not a Part";

10. The location of all building lines, set-back lines, and easements for public services or utilities and dimensions showing their locations;

11. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns;

12. The proper acknowledgments of owners and the consent by the mortgage to plat restrictions;

13. The following which shall be made and shown on the cloth tracing:

- a. Owner's certificate and dedication, signed;
- b. Engineer's certificate of survey, signed and his seal;
- c. Certificate for release of mortgage for any portion dedicated to the public;
- d. Reference to any separate instruments, including restrictive covenants, filed in the office of the county clerk which directly affect the land being subdivided;
- e. Certificate of planning commission approval;
- f. Certificate of city council acceptance of ways, easements, and public land dedications;
- g. Treasurer's certificate; and

- h. Certificate of city clerk related to special assessments; and
14. A title which shall include:
- a. Name of the subdivision;
  - b. Name of the city, county, and state; and
  - c. Location and description of the subdivision referenced to section, range, and township.

SECTION 12-448 PLANNING COMMISSION ACTION.

A. The planning commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the planning commission chairman or secretary member. Unless stipulation for additional time is agreed to by the subdivider and if no action is taken by the planning commission at the end of forty- five (45) days after a submission, the plat shall be deemed to have been approved. A certification by the city clerk as to date of submission of plat for final approval and failure of planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

B. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not comply.

SECTION 12-449 CITY COUNCIL ACTION.

Before recording the final plat, it shall be submitted to the city council for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor of the city and attested to by the city clerk or his deputy. The disapproval of any plat or plan by the city council shall be deemed a refusal of the proposed dedication shown thereon.

SECTION 12-450 RECORDING OF PLAT.

After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the city clerk with two (2) dark line prints thereof, and one contact reproducible cloth tracing. The applicant shall file

the original tracing, one dark line print on cloth, and one contact reproducible cloth tracing or film with the county clerk.

## DIVISION 5

### ADMINISTRATION AND AMENDMENT

#### SECTION 12-460 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, such requirements of design, but not procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of these regulations preserved. Such modifications may be granted upon written request of the subdivider stating the reason or reasons for each modification and may be waived by three-fourths (3/4) vote of the regular membership of the planning commission.

SECTION 12-461 ADMINISTRATION AND AMENDMENT.

The city council may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be enlarged or amended by the city council after public hearing, due notice of which shall be given as required by law. (Prior Code, Sec. 16-63)

#### SECTION 12-462 VIOLATION AND PENALTY.

A. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

B. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be punished as provided in Section 1-108 of this code. Each day a violation is permitted to exist shall constitute a separate offense.

5. "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be comprised;

6. "Development" means any man-made 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;

7. "Elevated building" means a nonbasement building that is:

- 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 the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the 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.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations;

8. "Existing construction" means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures";

9. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation of runoff of surface waters from any source;

10. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;

11. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map;

12. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding);

13. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards;

14. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;

15. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor";

16. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;

17. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;

18. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;

19 "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations;

20. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles;

21. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced;

22. "New construction" means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the city;

23. "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start date means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure;

24. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home;

25. "Substantial improvement" means 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 purposes 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 that 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 a State Inventory of Historic Places; and

26. "Variance" means a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the chapter;

27. "Violation" means the failure of a structure or other development to be fully compliant with the city's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided; and

28. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverside areas.

SECTION 12-505 APPLICATION; COMPLIANCE; INTERPRETATION.

A. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

B. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

C. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 12-506 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for City of Fairview", October, 1986, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter.

SECTION 12-507 DEVELOPMENT PERMIT REQUIRED.

A development permit shall be required to ensure conformance with the provisions of this chapter.

SECTION 12-508 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood

damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 12-509 DESIGNATION OF ADMINISTRATOR; DUTIES.

A. The city manager is hereby appointed the flood plain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

B. Duties and responsibilities of the flood plain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

2. Review permit applications to determine whether proposed building site will be reasonably safe from flooding;

3. Review, approve or deny all applications for development permits required by adoption of this code;

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, from which prior approval is required;

5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions);

6. Notify, in riverine situations, adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

8. When base flood elevation data has not been provided in accordance with Section 12-506, obtain review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of Sections 12-512 through 12-514 of this code; and

9. When a regulatory flood way has not been designated, the flood plain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 12-510 PERMIT PROCEDURES: APPROVAL OR DENIAL.

A. Application for a development permit shall be presented to the flood plain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any non-residential structure shall be flood proofed;

3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Section 12-413 of this code;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

5. Maintain a record of all such information in accordance with this chapter.

B. Approval or denial of a development permit by the flood plain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the comprehensive plan for that area.

#### SECTION 12-511 VARIANCE PROCEDURES.

A. The appeal board as established by the city shall hear and render judgment on requests for variances from the requirements of this chapter. It shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the flood plain administrator in the enforcement or administration of the chapter. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 12-510 (B) of this code have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of Section 12-501 of this code.

C. Prerequisites for granting variances include the following:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

3. Any applicant to whom a variance is granted shall be given written notice that the structure permitted to be built with a lowest floor elevation below the base flood elevation may result in the cost of flood insurance increased commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in Subsections B, C or D of this section.

F. Variances may be issued by the city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in all of this section are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

G. The flood plain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request. (Ord. No. 87-2, 4/7/87)

SECTION 12-512 GENERAL STANDARDS: FLOOD HAZARD AREAS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-513 SPECIFIC STANDARDS; FLOOD HAZARD AREAS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 12-506, 12-509 and 12-514 of this code the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood

elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the flood plain administrator that the standard of this subsection, as proposed in Section 12-510 of this code is satisfied;

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one or more feet above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in chapter. A record of such certification which includes the specific evaluation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the flood plain administrator;

3. Enclosures. New construction and substantial improvements with fully enclosed area 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 square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade;
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

4. Manufactured homes.

- a. All manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of

this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

- b. All manufactured homes shall be in compliance with Sections 12- 513 of this code; and
- c. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph 4 of this section.

SECTION 12-514 STANDARDS FOR SUBDIVISION PROPOSALS; FLOOD HAZARD AREAS.

A. All subdivision proposals shall be consistent with Sections 12-501 through 12-503 of this code.

B. All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of Sections 12-507, 12-510 and 12-512 through 12-514 of this code.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres, if not otherwise provided pursuant to Sections 12-506 and 12-509 of this code.

D. All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 12-515 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in Section 12-506 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified);

2. All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy;

3. A registered professional engineer or architect shall submit a certification to the flood plain administrator that the standards of this section, as proposed in paragraph I of Subsection A of Section 12-5 10 are satisfied; and

4. Require within Zones AR or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Paragraph 1 of Subsection A of Section 12-710 of this code are satisfied;

4. Within Zones AH or AO, adequate drainage paths are required around structures on slopes, to guide flood waters around and away from proposed structures;

5. For areas outside the identified flood hazard areas which have experienced flooding or where heavy development is occurring, a specific degree of elevation is required to compensate for the loss of storm-water storage or drainage areas.

SECTION 12-516 VIOLATIONS AND PENALTIES.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

ARTICLE 6

CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

Section 12-601 CAPITAL IMPROVEMENT PLANNING COMMITTEE - FUNCTION AND DUTIES

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

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

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

D. The Committee has the general responsibility to assist the City in planning for the future development, growth and improvement of the City and Major County, Oklahoma, and in preparing, adopting, implementing and annually amending the Local Capital Improvements Plan, (hereinafter the "Plan"), and its related programs,

consistent with the goals, guidelines and other provisions of the Act.

E. The Committee shall also:

1. Prepare the City's Plan;
2. Make recommendations to the Mayor and City Council regarding the adoption of the Plan;
3. Serve in an ongoing advisory capacity to the Mayor and City Council regarding implementation of the Plan, particularly in the Annual Update phase of the planning of the process;
4. Conduct public hearings and solicit and encourage participation, as required by and in accordance with, applicable provisions of the Act;
5. Take such other actions as may be necessary to carry out the City's Capital Improvements Planning process, consistent with local ordinances and policy and State Law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the Capital Improvements Planning process; and
6. Maintain a working relationship with Northern Oklahoma Development Authority (hereinafter "NODA") in order to ensure that the statutory requirements for integrating the City's Plan into the NODA Regional Capital Improvement Plan, are fully met each year to the benefit of the City and the State of Oklahoma.

CHAPTER 13. PUBLIC SAFETY

ARTICLE 1

FIRE PREVENTION

- Section 13-101 ADOPTION OF FIRE PREVENTION CODE
- Section 13-102 ENFORCEMENT
- Section 13-103 DEFINITION
- Section 13-104 LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS; EXCEPTIONS
- Section 13-105 MODIFICATIONS
- Section 13-106 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS
- Section 13-107 APPEALS

ARTICLE 2

FIRE DEPARTMENT AND SERVICE

DIVISION 1

FIRE SERVICES

- Section 13-201 FIRE DEPARTMENT
- Section 13-202 DUTIES OF THE FIRE CHIEF
- Section 13-203 DUTIES OF ASSISTANT CHIEF
- Section 13-204 COMPANY OFFICERS
- Section 13-205 THE SECRETARY-TREASURER
- Section 13-206 NEW MEMBERS
- Section 13-207 BY-LAWS
- Section 13-208 RULES AND REGULATIONS
- Section 13-209 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR
- Section 13-210 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS
- Section 13-211 CONTRACT TERMS, FEES FOR SERVICE
- Section 13-212 AUTHORITY TO ANSWER CALLS
- Section 13-213 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY
- Section 13-214 DEPARTMENT CONSIDERED AGENT OF STATE

ARTICLE 3

POLICE DEPARTMENT

- Section 13-301 POLICE DEPARTMENT CREATED; CHIEF
- Section 13-302 DUTIES
- Section 13-303 POLICE OFFICERS
- Section 13-304 EMERGENCY DUTIES IN OTHER CITIES
- Section 13-305 AUXILIARY/RESERVE FORCE CREATED; PROCEDURES

ARTICLE 4

RESERVED

ARTICLE 5

CIVIL DEFENSE

- Section 13-501 PURPOSE OF CIVIL DEFENSE ORGANIZATIONS, DEFINITIONS
- Section 13-502 OFFICE OF CIVIL DEFENSE CREATED
- Section 13-503 DIRECTOR OF CIVIL DEFENSE, POWERS AND DUTIES
- Section 13-504 FURTHER POWERS AND DUTIES
- Section 13-505 DIRECTOR'S USUAL POWERS
- Section 13-506 POWERS IN ENEMY CAUSED EMERGENCY
- Section 13-507 POWERS IN NATURAL CAUSED EMERGENCY
- Section 13-508 NOT LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE
- Section 13-509 LOANS, GIFTS, GRANTS TO CIVIL DEFENSE

ARTICLE 6

UNCLAIMED PROPERTY

- Section 13-601 DELIVERY TO CHIEF OF POLICE REQUIRED; RECORDS
- Section 13-602 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES
- Section 13-603 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION
- Section 13-604 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION
- Section 13-605 PROPERTY OF DECEASED PERSONS
- Section 13-606 NOTICE OF SALE
- Section 13-607 LIBRARY BOOK DISPOSITION
- Section 13-608 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS

## CHAPTER 13. PUBLIC SAFETY

## ARTICLE 1

## FIRE PREVENTION

Section 13-101 ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the latest edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. Not less than one (1) copy of the code has been filed in the office of the city clerk. The fire prevention code is hereby adopted and incorporated as fully as if set out at length herein. The provisions of the fire prevention code is controlling within the limits of the city.

Section 13-102 ENFORCEMENT.

A. The Fire Prevention Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department.

B. The chief of the fire department may detail such members of the fire department or inspectors as may from time to time be necessary.

C. The fire chief shall issue all permits required by this section except as otherwise provided.

Section 13-103 DEFINITION.

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted, it is held to mean the city.

Section 13-104 LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS; EXCEPTIONS

A. For purpose of the fire prevention code, the storage of:

1. flammable liquids in outside aboveground tanks,
2. new bulk plants for flammable liquids,
3. bulk storage of liquefied petroleum gas, and

4. explosive and blasting agents are prohibited within the city limits.

B. Provided however, the Fire Chief may issue a permit for the installation of an outside aboveground tank(s) within the city limits if:

1. the specifications for the outside aboveground tank(s) are in conformance and compliance with NFPA 30 & 30A.

2. the outside aboveground tank(s) have been approved by and carry a seal certifying approval by UL 2085.

3. the outside aboveground tank(s) is placed in a location(s) deemed suitable and safe by the Fire Chief.

C. The items listed in Paragraph A may also be permitted in the city limits within such locations as may be established in the city's zoning ordinance.

Section 13-105 MODIFICATIONS.

The City Manager, with the approval of the city council, shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the mayor and council thereon is entered upon the records of the council, and for applications requesting change, a signed copy is furnished the applicant.

Section 13-106 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Manager, the chief of the fire department, and one person appointed by the mayor with approval of the council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 13-107 APPEALS.

Whenever the chief of the fire department or the City Manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed.

ARTICLE 2

FIRE DEPARTMENT AND SERVICE

DIVISION 1

FIRE SERVICES

Section 13-201 FIRE DEPARTMENT.

A. There is a fire department, the head of which is the chief of the fire department.

B. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

C. The term "volunteer firefighter" means one who is enrolled as a member of the volunteer fire department of the city and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the city is composed of not less than twelve (12) nor more than twenty (20) members.

State Law Reference: Fire departments generally, 11 O.S. Section 29-101 et seq.; Volunteer fire departments, provisions and requirements, 11 O.S. Section 29-201 et seq.

Section 13-202 DUTIES OF THE FIRE CHIEF.

The chief is the administrative head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties, and he may assign duties to other members of the department:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the city;

2. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice a year;

3. The 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;

4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;

7. The chief is authorized to enter any building or premise in the city at any reasonable hour for the purposes of making inspections and to serve written notice to immediately correct any hazards that may be found;

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the city council as it may require. The chief shall keep the city council informed regarding the fire department and its needs.

9. The Chief or his designee shall report to the council on at least a quarterly basis on fire department activities.

Section 13-203 DUTIES OF THE ASSISTANT CHIEF

In the absence of the fire chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. Other officers or employees as deemed necessary shall be

appointed by the City Manager after consultation with the Fire Chief.

Section 13-204 COMPANY OFFICERS.

Company officers of the volunteer department are selected by the chief based upon the following criteria:

1. Knowledge of fire fighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

Such officer shall be charged with the duty to arrange for and manage any or all social functions sponsored by the department.

Section 13-205 THE SECRETARY-TREASURER.

One member elected by the members of the volunteer fire department is a secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting;
3. Collecting any money due the department by the members.

Section 13-206 NEW MEMBERS.

New members of the volunteer department are on probation for one year after their appointment. Upon completion of their probation period, new volunteer members must be approved by the majority of the volunteer members of the fire department and appointed by the City Manager.

Section 13-207 BYLAWS.

The by-laws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;
2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;

3. At least one regular business meeting of the members shall be held each month;

4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department roll;

5. Any member leaving the city for an extended period of time is required to notify the chief;

6. Any member refusing to attend training classes provided for members of the department will be dropped;

7. Any member of the fire department may be dropped from the rolls for the following offenses:

- a. Conduct unbecoming a firefighter;
- b. Any act of insubordination;
- c. Neglect of duty;
- d. Any violation of rules and regulations governing the fire department;
- e. Conviction of a felony; or
- f. By majority vote of the members of the company and approval of the City Manager.

Section 13-208 RULES AND REGULATIONS.

The city council, by motion or resolution, may adopt and change regulations relating to the fire department, its organizations, operation and compensation.

Section 13-209 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

B. The chief shall prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of the term turn over such inventory and all such

property to his successor, together with all books, records, reports and data of the department.

Section 13-210 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

Section 13-211 CONTRACT TERMS, FEES FOR SERVICE.

Any contract entered into by the city with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the city for such fire apparatus and personnel at the rate per call as set by the city council.

Section 13-212 AUTHORITY TO ANSWER CALLS.

The fire department of the city is hereby authorized and directed to answer all outside calls outside the corporate city limits in the discretion of the fire chief. The fire department may not answer such outside calls if, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

Section 13-213 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All volunteer firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, are considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters are entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city. Compensation of firefighters is as provided by the city.

Section 13-214 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the city is considered as an agent of the state, and acting solely and alone in a governmental capacity, and

the municipality 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 the virtue of Sections 13-210 to 13-214 of this code.

### ARTICLE 3

#### POLICE DEPARTMENT

##### Section 13-301 POLICE DEPARTMENT, CREATED.

There is a police department, the head of which is the chief of police, appointed by the City Manager for an indefinite term and removable by the City Manager. The chief of police is an officer of the city, and has supervision and control of the police department.

State Law Reference: Police department and duties, 11 O.S. Section 34-101 et seq.

##### Section 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

##### Section 13-303 POLICE OFFICERS.

Police officers shall perform such duties as are required of them by the chief of police, city ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. Employees or officers deemed necessary shall be appointed by the City Manager after consultation with the chief of police.

##### Section 13-304 EMERGENCY DUTIES IN OTHER CITIES.

A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such

service is requested by the mayor or chief of police of the city or town.

B. Requests for service under this Section are made by writing or by telephone, or other means of communications, to the mayor who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, and after consultation with the marshal, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

Section 13-305 AUXILIARY/RESERVE FORCE CREATED; PROCEDURES

A. There is hereby established an auxiliary/reserve police force for the city.

B. Members of the auxiliary/reserve police force shall be appointed or relieved at the discretion of the chief of police and shall serve as police officers during the actual discharge of official duties.

C. Members of the auxiliary/reserve police force shall serve at the discretion of the chief of police and may be called into active service at any time the chief of police considers it necessary to have additional police officers to preserve the peace and enforce the law.

D. Members of the auxiliary/reserve police force may serve without compensation. Uniforms may be provided to the auxiliary/reserve police officers at the discretion of the chief of police.

E. Auxiliary/reserve police officers must comply with the minimum standards established by the Oklahoma Law Enforcement Council. The chief of police shall establish qualifications and standards for members of the auxiliary/reserve police force and shall establish rules and regulations governing auxiliary/reserve police officers.

F. The chief of police may establish minimum physical, mental and moral standards as used by regular police department.

ARTICLE 4

RESERVED

## ARTICLE 5

## CIVIL DEFENSE

Section 13-501 PURPOSE OF CIVIL DEFENSE ORGANIZATION, DEFINITIONS.

A. The purpose of this Article is to create a civil defense organization for the city, to be prepared for and to function in the event of emergencies, endangering the lives and property of the people of such city. The duty of such civil defense organization shall be the protection of the lives and health of the citizens and of property and property rights, both private and public, and to perform all functions necessary and incident thereto.

B. As used in this chapter, the following terms shall be construed as follows, unless a contrary intent appears clear from the context:

1. "Civil defense" means the preparations for and the 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 public peace, health and safety, and to preserve lives and property, in the city during any 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 the city and involving imminent or actual peril to life and property in the city. 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 and sewer 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;

2. "Enemy-caused emergency" means 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 city. Such emergency shall be deemed to exist only when the mayor of the city so declares by public proclamation, or when the governing body so declares. Such emergency shall be deemed to continue to exist until the City Manager declares its termination by public proclamation, or until the governing body declares its termination by resolution; and

3. "Natural emergency" means any state of emergency caused by any actual or impending flood, drought, fire, hurricane,

earthquake, storm, or other catastrophe in or near the city. Such emergency shall be deemed to exist and to be terminated under the same conditions as are prescribed for an enemy-caused emergency. Such emergency shall be deemed to continue to exist until the mayor declares its termination by public proclamation, or until the governing body declares its termination by resolution.

State Law Reference: Local civil defense organizations, 63 O.S. Section 683.11, Section 683.12.

Section 13-502 OFFICE OF THE CIVIL DEFENSE CREATED.

There is hereby established under the executive branch of the government of the city an office of civil defense, which shall consist of:

A. A director of civil defense who shall be appointed by the mayor of the city and serve at his pleasure. The director may also be the county director of civil defense;

B. A civil defense advisory committee. This committee consists of the mayor as chairman and five (5) members of the city council appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. Except as otherwise provided in this chapter, the committee shall function in an advisory capacity on all matters pertaining to civil defense. The committee members shall serve without compensation; and

C. Such other volunteer civil defense advisory committees as may be created by the director for the evaluation of technical, professional or other phases of the work of the office of civil defense and which may provide advisory assistance on any matters pertaining to the city's civil defense.

Section 13-503 DIRECTOR OF CIVIL DEFENSE, POWERS AND DUTIES.

The director of civil defense shall be the executive head of the department of the civil defense, and shall be responsible to the mayor for the carrying out of the civil defense program of the city. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for civil defense within the city and shall maintain liaison with and cooperate with civil defense agencies of other governmental units, both within and without the state, including the state and federal government. He shall have such

additional authority, duties and responsibilities as may be authorized by this chapter or other law.

Section 13-504 FURTHER POWERS AND DUTIES.

The director shall have general direction and control of the office of civil defense. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the civil defense organization. He is also instructed to carry out plans with the state officials of civil defense in cooperating with the federal government and to make available to the city and county program the benefits of state and federal laws, subject to the approval of the city, the county, and the civil defense committee. The director shall be responsible for carrying out the provisions of this chapter and in doing so he is expressly authorized to cooperate with federal and state government agencies and political subdivisions, and with other states and their subdivisions, and with private agencies, in all matters pertaining to civil defense in the city.

Section 13-505 DIRECTOR'S USUAL POWERS.

Prior to any emergency as defined in this chapter, the director shall have the following powers:

A. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration to be given to the plans and powers of the federal government, the government of the state, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

B. To prepare comprehensive plans for the civil defense of the city in both enemy-caused and natural emergencies, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of the state, and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

C. To establish, within the limits of funds available, a public warning system, composed of sirens, horns, or other acceptable warning devices;

D. To establish and carry out recruitment and training programs as may be necessary to develop an adequate, qualified civil defense volunteer corps;

E. To conduct drills, exercises, and similar programs as may be necessary to develop a well-trained, alert, fully prepared civil defense organization;

F. To make such studies and surveys of the industries, resources, and facilities of this city as he deems necessary to ascertain its capabilities for civil defense, and plan for the efficient emergency use therefor;

G. On behalf of the city, to enter into mutual-aid arrangements with surrounding communities subject to the approval of the city council; and

H. To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority to prepare for either an enemy-caused emergency or a natural emergency.

Section 13-506 POWERS IN ENEMY CAUSED EMERGENCY.

In the event of an enemy-caused emergency, the director of civil defense after approval from the mayor, may exercise during the emergency the power and authority to enforce all rules and regulations relating to civil defense and, acting under authority of any statutes or under the authority of the mayor as an agent of the governor of the state, may take control of transportation, communication, stocks of fuel, food, clothing, medicine, supplies and all facilities, including buildings and plants, and exercise all powers necessary to secure the safety and protection of the civilian population. In exercising such powers, he shall be guided by regulations and orders issued by the federal government and the governor of the state relating to civil defense, and shall take no action contrary to orders which may be issued by the governor under similar emergency powers. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations.

Section 13-507 POWERS IN NATURAL EMERGENCY.

In the event of any natural emergency as proclaimed by the mayor, the director of civil defense with the approval of the mayor, shall coordinate in every way proper the activities of the civil defense organizations. He is specifically charged in such emergency with the collection, evaluation, and dissemination of information to all agencies, both public and private, participating in the city's civil defense organization or cooperating in any such emergency. He shall, as director, have the power to recommend appropriate action, but he shall not otherwise exercise control over the participating agencies. He shall also recommend to the

mayor the allocation of any funds received from the federal or state governments or from any other source to alleviate distress and aid in restoring normal conditions.

Section 13-508 NOT LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE.

Neither the city nor any officer or member of the civil defense organization provided for in this chapter 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. Neither the city nor any such officer nor a member shall be liable for the death or injury of any person, or damage to property, resulting from such civil defense activity prior to or during either an enemy-caused or a natural emergency.

Section 13-509 LOANS, GIFTS, GRANTS TO CIVIL DEFENSE.

Whenever the federal government or the state or any person, firm, or corporation shall offer to the city 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 director of civil defense to receive the same subject to the terms of the offer and the rules and regulations, if any of the offeror.

ARTICLE 6

UNCLAIMED PROPERTY

Section 13-601 DELIVERY TO CHIEF OF POLICE REQUIRED; RECORDS.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

State Law Reference: Disposition of personal property by police chief, procedures, application to destroy, 11 O.S. Section

Sec. 34-104; Uniform unclaimed property disposition act, 60 O.S. Section 655; relating to finders of lost goods, 15 O.S. Section 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Section 1321, et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Section 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. Section 539.

Section 13-602      DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES.

A. The Chief of Police is authorized to dispose of personal property or money or legal tender as provided in this Section, which has come into his possession in any manner if:

1. The owner of the personal property or money or legal tender is unknown or has not claimed the property;
2. The property or money or legal tender has been in the custody of the chief of police for at least six (6) months; and
3. The property or money or legal tender or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The Chief of Police shall file an application in the Noble County District requesting the authority of the court to conduct a sale of such personal property which has a fair market value of more than its face value. The Chief of Police shall attach to the application a list describing such property including any identifying numbers and marks, the date the property came into the possession of the Chief of Police, and the name of the owner and the person in last possession, if different and the address of such person, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

C. In any instance where the property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at the address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county where the property is in custody. Said notice shall contain a brief description of the property of said owner and the place and date of the hearing. The notice shall be

posted at the assigned place for the posting of municipal notices, and at two other public places in the municipality.

D. If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authorizing the Chief of Police to donate the property having value of less than Five Hundred Dollars (\$500.00) to a not-for-profit corporation as defined in Title 18 of the Oklahoma Statutes for use by needy families or to sell the personal property for cash to the highest bidder, after at least five (5) days' notice of the sale has been published. The Chief of Police shall make a return of the donation or sale and the order of the court confirming the donation or sale shall vest title to the property in the recipient or purchaser. After payment of court costs and other expenses, the remainder of money received from the sale of the personal property shall be deposited in the municipal general fund.

E. All money or legal tender which has come into the possession of the Chief of Police pursuant to the circumstances provided for in subsection A of this Section shall be transferred by the Chief of Police to the municipal clerk for deposit in the municipal general fund. Prior to any such transfer, the Chief of Police shall file an application in the district court requesting the court to enter an order authorizing the Chief of Police to transfer the money for deposit in the municipal general fund. The application shall describe the money or legal tender, the date the same came into the possession of the Chief of Police, and the name of the owner and the address of the owner, if known. Upon filing the application which may be joined with an application as described in subsection B of this Section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in subsection C of this Section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell personal property as provided for in subsection B of this Section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the municipal general fund as provided in this subsection.

F. The provisions of this Section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

G. The municipality is hereby authorized to establish a procedure for the registration of "lost and found" property. Such procedure shall give the finder of any property the option of relinquishing any future claim to found property at the time its possession is surrendered to the police or other agent of the municipality, or of retaining possession of the property after registering its description and the finders identity with the police department or other agent of the municipality. Only property in which the finder relinquishes any future claim to its ownership will be stored in municipal police property rooms.

H. An amount not greater than 25% of the money or legal tender deposited in the municipal general fund as provided in subsection D or E of this Section may be paid as a finders fee for services rendered to any person who found the unclaimed personal property or money or legal tender and delivered it to, or registered it with, the Chief of Police or other agent of the municipality. All such fees must be first authorized by the City Manager.

State Law Reference: Similar provisions 11 O.S. Section 34-104.

Section 13-603 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION.

A. If any personal property used for the purpose of violating any of the gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the county clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefor, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

B. In computing time, five (5) days, Sundays and holidays shall be excluded and not counted.

C. A duplicate copy of the receipt shall be filed with the county clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this Section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this Section.

State Law Reference: Similar provisions, 22 O.S. Section 1261.

Section 13-604 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION.

If the city police officers seize:

A. Any apparatus, equipment, vehicle or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or

B. Any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the city in which the seizure of the property took place. Such seized property shall be sold by the police chief, after giving ten (10) days notice by one publication in a legal newspaper of the county at least ten (10) days before such sale. Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this Section, the proceeds thereof shall be distributed as follows:

1. First, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and

2. Second, the remainder shall be deposited with the city.

State Law Reference: Similar provisions, 37 O.S. Section 539.

Section 13-605 PROPERTY OF DECEASED PERSONS.

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 his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit or the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this article.

Section 13-606 NOTICE OF SALE.

Ten (10) days before the sale of nonessential city stock or property, the police chief or his designee, shall cause to be posted in at least four (4) public places in the city (one of which shall be the main bulletin board in city hall) notices of the time, place and manner of the sale, and a general description of the property to be sold. The police chief or his designee shall also cause at least one published notice to be given in a newspaper of general delivery within the city. This notice shall include information as to the time, place, and manner of the sale, and a general description of the property to be sold.

Section 13-607 LIBRARY BOOK DISPOSITION.

A. All books withdrawn from the collection of the public library which are obsolete, as duplicates of titles no longer popular, have been replaced by better more comprehensive or updated editions, or because they are badly worn, regardless of whether the book was obtained through city funds or through donations, shall be disposed of by placement in a prominent place within the main library or branch. These books shall be those in usable condition and shall be priced as determined by the librarian. Books will be sold for cash only.

B. Monies collected for these books shall be deposited in the general fund. Books that are badly worn and cannot be sold or books which have not been sold within sixty (60) days shall be forwarded to the recreation and supply director for disposition as described within.

C. In addition to the above, the librarian may from time to time sell books at book fairs or art festivals which are held throughout the year within the city limits.

Section 13-608 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS.

A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the chief of police, with the approval of the police chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable.

B. In trading such unclaimed or confiscated weapons, the chief of police shall, with the approval of the police chief or his designee, advertise for bids for such trade. Such advertisement

for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the city. In no case may the fair market value of the weapons received in such trade exceed Two Thousand Dollars (\$2,000.00), unless such trade is accomplished pursuant to formal bid procedure.

C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

- SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.
- SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY
- SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS,  
AND ALLEYS WITH MERCHANDISE
- SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS
- SECTION 14-105 UNLAWFUL TO PLAY ON STREETS
- SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES
- SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR  
SIDEWALK AREA TO BECOME A HAZARD
- SECTION 14-108 NOTICE; PENALTY
- SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE
- SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS
- SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET
- SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED
- SECTION 14-113 INSECTS AND WORMS
- SECTION 14-114 PERMIT TO STRING WIRES
- SECTION 14-115 PARKING OF TRUCKS, TRAILERS, COMMERCIAL VEHICLES,  
BUSES, RECREATIONAL VEHICLES ON CITY STREETS

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

- SECTION 14-201 NOTIFICATION TO CITY
- SECTION 14-202 FEE TO BE PAID TO CITY
- SECTION 14-203 SECURITY BOND
- SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY CITY

## CHAPTER 14. STREETS, SIDEWALKS AND PUBLIC WORKS

## ARTICLE 1

## USE AND CONSTRUCTION OF STREETS

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this City shall trim all trees and shrubbery growing, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and 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 hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Section A of this section, after receiving five (5) days' notice from the City Manager to do so, shall be guilty of an offense. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS, AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the City any goods, wares, articles of merchandise or any other obstruction, and leave the same thereon; or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the City in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the City in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the City, except as may be authorized by ordinance.

SECTION 14-106 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease, mud or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-108 NOTICE; PENALTY.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within seventy-two (72) hours after notice served on him by any police officer, health officer, or any other agent of the City, the property owner or occupant or agent so failing or refusing after notice so to do, to repair or clean off such sidewalk, shall be deemed guilty of an offense.

SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS.

Any person who shall willfully or wantonly cut or break or remove, or in any manner displace any curbing, guttering, or who shall recklessly or intentionally, drive any vehicle loaded with asphalt materials, lumber or building materials, or any kind, into or on the curbing, or concrete guttering of any paved street, shall be guilty of an offense.

SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET.

The owner, driver, operator or mover of any vehicle over any street or alley of the City and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks, shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the City.

SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED.

It is unlawful for an owner or occupant of premises abutting on a sidewalk in the City to store on the sidewalk, goods, wares and merchandise unless a space of at least six (6) feet in width, is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb could be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each twenty-four (24) hour period.

SECTION 14-113 INSECTS AND WORMS.

Each owner, agent, or occupant in front of or on whose lots shade trees have been planted or are growing shall use every reasonable precaution to protect the same from insects and worms.

SECTION 14-114 PERMIT TO STRING WIRES.

A. It is unlawful and an offense for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking, or other public place in the City for the purpose of stringing wires or cables along or across the parkings or other public places, without first obtaining a permit therefor in writing from the City, which shall be filed with the City Clerk.

B. Whenever any telephone, telegraph, or electric light and power company or any other person with authority to use the streets for such purposes, desires to string any wires or cables along or across any of the street parking, or other public place, such person shall make application to the City. If the Mayor determines that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to the trees, he shall issue his written permit, stating the nature and extent of such trimming or cutting, which shall be filed with the City Clerk as heretofore provided. All such trimming or cutting shall be done under the direct supervision and control of the Mayor some competent person designated by him.

SECTION 14-115 PARKING OF TRUCKS, TRAILERS, COMMERCIAL VEHICLES, BUSES, RECREATIONAL VEHICLES ON CITY STREETS

A. No truck, trailer, commercial vehicle, bus, recreational vehicle or other vehicle having more than two (2) axles shall park on any street or street right-of-way within any residential area at any time, except for the immediate loading or unloading of persons or materials, and only then when not in violation of any other provision of the chapter.

B. No tractor-trailer rigs (semi-trailers) shall be parked or stored on the street, street right-of-way, yard or driveway within any residential area.

C. No tractors or semi-trailers shall be parked or stored on the street or street right-of-way within any commercial or industrial area, except if parked or stored on driveways or other hard-surfaced areas.

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

SECTION 14-201 NOTIFICATION TO CITY.

Before beginning any boring, cutting or excavation under, across or through any street or alley, the party about to perform the same shall notify, in writing, the City that such boring, cutting or excavation is intended to be done, the location thereof, and the necessity of such boring, cutting or excavation. Such written notification must be made prior to commencement of any such boring, cutting or excavation.

SECTION 14-202 FEE TO BE PAID TO CITY.

Any person who shall hereafter bore, cut or excavate under, across or through the surface of any street or alley in the City shall obtain a permit from the City Clerk, upon payment of the fee set by the City and upon approval of the City Manager, prior to the commencement of any such cutting, boring or excavation.

SECTION 14-203 SECURITY BOND.

Prior to commencement of any boring, cutting or excavation of any street or alley the party to perform the same shall post with the City Clerk a good and sufficient surety or indemnity bond, payable to the City in the amount set by the Council. Such bond shall be to protect and save the City harmless from any and all damages caused by any such boring, cutting or excavation.

SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY CITY.

A. After the installation, replacement or repair of any utility line or other line, the party making such bore, cut or excavation shall fill the bore, cut or excavation and tamp the earth or other fill material as specified by the City, subject to the rules and regulations as may be prescribed by the City Council. The party making any such bore, cut or excavation shall replace any paving, whether asphalt, concrete or a combination, damaged, destroyed or removed in like manner as existed prior to such bore, cut or excavation.

B. The following specifications apply to the fill:

1. A suitable soil stabilizer shall be used as part of the reconstruction process;

2. All soils treated with the stabilizer and routinely compacted shall attain unconfined compressive strengths greater than the same soils which are untreated and compacted to ninety-five percent (95%) of the maximum laboratory dry density;

3. Treated soils should attain a field California Bearing Ratio (CBR) of forty (40) or greater, when used in accordance with manufacturer's instructions;

4. Treated soils shall gain in compressive strength and maintain their size and shape when subjected to damp environments;

5. Treated soils should attain sufficient strength to allow for repaving, removal or any traffic control devices, and provide for the return to normal traffic on any site where the stabilizer

is used within two (2) hours or less of the final compaction lift, when used in accordance with manufacturer's instructions;

6. Treatment of soil will create less than 10 degrees F. exothermic reaction so as to prevent possible damage to pipe or other underground conduits, plant or animal life. The stabilizer shall not pose a threat of thermal injury to workers, nor will it cause the ground to expand after compaction which would prevent immediate repaving;

7. The stabilizer shall be environmentally safe and shall not exceed EPA standards for ingestion or inhalation, or cause hazards to work crews or the environment;

8. The stabilizer will be non-corrosive to underground pipe and other conduits;

9. The ratio of stabilizer to soil shall not be less than twenty-five (25) pounds per cubic yard of soil; and

C. Upon completion of all restoration work the City Manager shall examine the location to determine if such filling, tamping or paving complies with the standards set forth by the rules and regulations of the City Council, and endorse upon the permit his acceptance or rejection of the restoration. If such restoration does not comply with the standards set by the City Council, the City may cause proper and necessary repairs at the sole cost of party to whom the permit was issued.

D. It is the City Manager's discretion as to the repair and replacement of streets and alleys, either being trenched or bored.

Page left intentionally blank

12/1/2005 version

CHAPTER 15 TRAFFIC AND VEHICLES

ARTICLE 1

GENERAL PROVISIONS

- Section 15-101 CITATION OF CHAPTER
- Section 15-102 TRAFFIC CODE CONTROLLING
- Section 15-103 DEFINITIONS
- Section 15-104 ADOPTION OF STATE TRAFFIC CODE

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

- Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS
- Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE
- Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS
- Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS
- Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS
- Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE
- Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED
- Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS
- Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS
- Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES
- Section 15-211 AUTHORIZED EMERGENCY VEHICLES
- Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES
- Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED
- Section 15-214 CROSSING FIRE HOSE
- Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED
- Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED
- Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE
- Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED
- Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT
- Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES
- Section 15-221 REPORTING ACCIDENTS
- Section 15-222 ISSUANCE OF CITATION TAGS
- Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT
- Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE
- Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING
- Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS

Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE  
DEPARTMENT OF PUBLIC SAFETY  
Section 15-228 INSURANCE OR CERTIFICATE REQUIRED

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO  
STREETS  
Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES  
Section 15-303 EQUIPMENT  
Section 15-304 MUFFLERS, CUT-OUTS  
Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD  
Section 15-306 INSPECTION OF VEHICLES

ARTICLE 4

SPEED REGULATIONS

Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS  
Section 15-402 SCHOOL ZONES  
Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR  
PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS  
Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS  
Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS  
Section 15-406 RECKLESS DRIVING

ARTICLE 5

DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES  
Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED;  
EXCEPTIONS  
Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED  
Section 15-504 OVERTAKING A VEHICLE ON THE LEFT  
Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS  
Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS  
Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS  
Section 15-508 FOLLOWING TOO CLOSELY  
Section 15-509 NO PASSING ZONES  
Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION  
PROHIBITED; EXCEPTIONS  
Section 15-511 DRIVERS IN A PROCESSION  
Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED  
Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES  
Section 15-514 OVERTAKING AND PASSING SCHOOL BUS  
Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING

- Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED;  
EXCEPTION
- Section 15-517 LIMITATIONS ON BACKING VEHICLE
- Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND  
MOTOR SCOOTERS
- Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR
- Section 15-520 CLINGING TO VEHICLES PROHIBITED
- Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS
- Section 15-522 RECKLESS DRIVING
- Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING
- Section 15-524 FULL TIME AND ATTENTION REQUIRED
- Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A  
PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT  
MANNER
- Section 15-526 SPEED CONTEST PROHIBITED
- Section 15-527 DRIVING THROUGH SAFETY ZONE
- Section 15-528 STARTING PARKED VEHICLE
- Section 15-529 OPENING AND CLOSING VEHICLE DOORS
- Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM
- Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES
- Section 15-532 UNLAWFUL RIDING
- Section 15-533 PRIVATE SERVICE DRIVES
- Section 15-534 TRUCK ROUTES
- Section 15-535 LOADS ON VEHICLES
- Section 15-536 VEHICLE APPROACHING OR ENTERING Intersection
- Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS
- Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN
- Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY
- Section 15-540 VEHICLES FACING STOP, SLOW, WARN OR CAUTION SIGNAL
- Section 15-541 THROUGH STREETS
- Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED
- Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT
- Section 15-544 VEHICLE ENTERING STOP Intersection
- Section 15-545 VEHICLE ENTERING YIELD Intersection
- Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR  
DRIVEWAY
- Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING
- Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING
- Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED
- Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN
- Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE  
CROSSINGS
- Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED

## ARTICLE 6

### TRAFFIC CONTROL DEVICES

- Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS  
 Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES  
 Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES  
 Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND  
 Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS  
 Section 15-607 FLASHING SIGNALS  
 Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS  
 Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED  
 Section 15-610 DEFAACEMENT OF TRAFFIC CONTROL DEVICES  
 Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH  
 Section 15-612 PLAY STREETS, RESTRICTION ON USE  
 Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES  
 Section 15-614 TRAFFIC LANES

## ARTICLE 7

### STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE  
 Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS  
 Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS  
 Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES  
 Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING  
 Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING  
 Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS  
 Section 15-708 PARKING IN SPACES MARKED OFF  
 Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB  
 Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING  
 Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES  
 Section 15-712 BLOCKING OF Intersection OR CROSSWALK PROHIBITED  
 Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY  
 Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS  
 Section 15-715 PARKING ADJACENT TO SCHOOLS  
 Section 15-716 PARKING PROHIBITED AT INTERSECTIONS  
 Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS  
 Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF  
 Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY  
 Section 15-720 DOUBLE PARKING PROHIBITED  
 Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED  
 Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED  
 Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB  
 Section 15-724 NEGLIGENT PARKING

Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE  
Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING

ARTICLE 8

LOADING

Section 15-801 DEFINITIONS  
Section 15-802 CURB LOADING ZONES, DESIGNATION  
Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE  
Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE  
Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE  
Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS  
Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED  
Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS

ARTICLE 9

TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS  
Section 15-902 DESIGNATION OF RESTRICTED TURNS  
Section 15-903 OBEDIENCE TO NO-TURN SIGNS  
Section 15-904 U-TURNS  
Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS  
Section 15-906 POSITION AND METHOD OF TURNING  
Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS  
Section 15-908 MEANS OF GIVING TURN SIGNALS  
Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS

ARTICLE 10

PEDESTRIANS

Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS  
Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS  
Section 15-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK  
Section 15-1004 CROSSING AT RIGHT ANGLES  
Section 15-1005 WHEN PEDESTRIANS SHALL YIELD  
Section 15-1006 PEDESTRIANS WALKING ALONG ROADWAYS  
Section 15-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS  
Section 15-1008 DRIVERS TO EXERCISE DUE CARE  
Section 15-1009 CROSSING PROHIBITED  
Section 15-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS

ARTICLE 11

BICYCLES

|                 |   |
|-----------------|---|
| Section 15-1101 | APPLICATION OF BICYCLE REGULATIONS      |
| Section 15-1102 | APPLICATION OF TRAFFIC LAWS TO BICYCLES |
| Section 15-1103 | OBEDIENCE TO TRAFFIC CONTROL DEVICES    |
| Section 15-1104 | RIDING ON BICYCLES                      |
| Section 15-1105 | RIDING ON ROADWAYS AND BICYCLE PATHS    |
| Section 15-1106 | SPEED OF BICYCLE                        |
| Section 15-1107 | EMERGING FROM ALLEY OR DRIVEWAY         |
| Section 15-1108 | CARRYING ARTICLES                       |
| Section 15-1109 | PARKING                                 |
| Section 15-1110 | RIDING ON SIDEWALKS                     |
| Section 15-1111 | LAMPS AND EQUIPMENT ON BICYCLES         |

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

|                 |  |
|-----------------|--|
| Section 15-1301 | PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS |
| Section 15-1302 | PLACE OF IMPOUNDMENT                         |
| Section 15-1303 | DURATION OF IMPOUNDMENT                      |
| Section 15-1304 | POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES |
| Section 15-1305 | DISABLED VEHICLES                            |
| Section 15-1306 | VEHICLES ON BRIDGE                           |
| Section 15-1307 | ARREST AND DETENTION OF DRIVER OF VEHICLE    |
| Section 15-1308 | VEHICLE CONSTITUTES TRAFFIC HAZARD           |
| Section 15-1309 | ILLEGAL TRESPASS BY VEHICLE                  |
| Section 15-1310 | VEHICLES PARKED OVERTIME                     |
| Section 15-1311 | VEHICLES BLOCKING FIRE EXITS OR HYDRANTS     |
| Section 15-1312 | VEHICLES PARKED IN Intersection              |
| Section 15-1313 | STOLEN VEHICLES; RECOVERY BY POLICE          |
| Section 15-1314 | VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS  |

ARTICLE 14

PENALTIES

|                 |                                 |
|-----------------|---------------------------------|
| Section 15-1401 | OBEDIENCE TO TRAFFIC CODE       |
| Section 15-1402 | PENALTIES, SPECIFIC AND GENERAL |

## CHAPTER 15 Traffic and Vehicles

## ARTICLE 1

## GENERAL PROVISIONS

Section 15-101 CITATION OF CHAPTER.

The chapter and all amendments hereto may be cited or referred to as the "Traffic Code, City of Fairview", and may so appear upon all official documents, records or instruments.

Section 15-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of City streets, alleys, thoroughfares, parks parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the City, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

Section 15-103 DEFINITIONS.

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;

4. "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "Business district" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for businesses or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at

least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "Double park" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

12. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impeded the flow of traffic;

13. "Emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

14. "Highway", see street;
15. "Intersection" means:
  - a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
  - b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;
16. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
17. "Limited access highway", see controlled access highway;
18. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;
19. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;
20. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on no more than three (3) wheels in contact with the ground, but excluding a tractor;
21. "Motor vehicle" means every vehicle which is self-propelled;

22. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the City;

23. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

24. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is an authorized place;

25. "Pedestrian" means any person a foot;

26. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;

27. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

28. "Public parking lot" means a parking lot or right of way dedicated to the public use or owned by the state or a political subdivision thereof;

29. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

30. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

31. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

32. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

34. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "Sidewalk" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for the use of pedestrians;

37. "Stand" or "standing" means any stopping of a vehicle whether occupied or not;

38. "Stop", when required, shall mean the complete cessation from movement;

39. "Stop or stopping", when prohibited, means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal;

40. "Street or highway" means the entire width between the boundary liens of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

- a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- b. Stop signs are erected as provided in this part;

42. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "Vehicle" means every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Section 1-101 et seq.

#### Section 15-104 ADOPTION OF STATE TRAFFIC CODE.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the City within the City limits as if set out at length herein.

State Law Reference: State rules of the road, 47 O.S. Section 10-101 et seq.; state motor vehicle code, 47 O.S. Section 1-101 et seq.

## ARTICLE 2

### ENFORCEMENT AND GENERAL PROVISIONS

#### Section 15-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this City and all the state vehicle laws applicable to street traffic in this City. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed

upon the department by this part and any other traffic ordinances of this City. Officers may issue written notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident.

Section 15-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

Section 15-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

Section 15-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 15-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The City Manager, subject to any directions which the Council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this City and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The City Manager may have traffic control devices tested under actual conditions of traffic.

Section 15-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

State Law Reference: Similar provisions; 47 O.S. Section 11-104.

Section 15-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinances of this City.

Section 15-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, City, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

State Law Reference: Municipal drivers to obey state rules of the road, 47 O.S. Section 16-103.

Section 15-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flagpersons. The provisions of this chapter

shall apply to any of the persons and vehicles exempted by this Section when traveling to and from such work.

Section 15-210 MAINTENANCE AND CONSTRUCTION ZONES.

A. City personnel or contractors, while repairing or improving the streets of the City, and City personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the Mayor and City Council, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this Section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around such traffic control devices or barricades, or otherwise to enter the closed area.

The provision of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the City personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

Section 15-211 AUTHORIZED EMERGENCY VEHICLES.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions stated in this Section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this Section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

Section 15-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Section 11-106, 11-405, and 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

Section 15-213 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than the one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

Section 15-214 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions 47 O.S. Section 11-1109.

Section 15-215 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this Section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him.

State Law Reference: Driver's licenses, 47 O.S. Section 6-101.

Section 15-216 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED.

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this Section shall be punished as provided in Section 1-108 of this code. Each act of driving on the streets or highways as prohibited by this Section shall constitute a separate offense.

Section 15-217 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE.

It is unlawful to operate a vehicle of any kind upon a street of the City without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

Section 15-218 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

Section 15-219 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident resulting in injury to, or death of, any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsections C and D hereof. Every such stop shall be made without obstructing traffic more than is necessary.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Subsection C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving; and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or person injured in the accident reasonable assistance. If the driver does not have any operator's or chauffeur's license

in his possession, he shall exhibit other valid evidence of identification to the occupants of a vehicle, or to the person collided with.

D. The driver shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

E. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of 47 O.S. Section 752 and the procedures found in Section 752 shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

F. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, accident reports, 47 O.S. Section 6-303.

Section 15-220 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with a vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property, of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license is in his possession at

that time, and the driver shall make report of such accident when and as required by law.

Section 15-221 REPORTING ACCIDENTS.

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department unless settlement of the collision has been made within six (6) months after the date of the accident. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with state law, the driver shall be deemed to be in compliance with this Section.

State Law Reference: Similar provisions, 47 O.S. Section 10-108.

Section 15-222 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this article by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this Section shall be construed to abridge the power of the police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the City and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

Section 15-223 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event that form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

Section 15-224 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this Section.

Section 15-225 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with the proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this Section shall apply only when the procedure as prescribed in this Section has been followed.

Section 15-226 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

Section 15-227 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicle on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The municipal judge or court clerk shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

D. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgement, whether bail was forfeited, and the amount of the fine or forfeiture.

Section 15-228 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the City's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicle with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy:

a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;

b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma;

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the City's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from the coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of an offense and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage of such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the City.

G. Upon conviction or bond forfeiture, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

State Law Reference: Similar provisions, 47 O.S. Section 7-601 et seq.

## ARTICLE 3

## VEHICLE EQUIPMENT, INSPECTION

Section 15-301 CERTAIN VEHICLES PROHIBITED, VEHICLES INJURIOUS TO STREETS.

No vehicle or object which injures or is likely to injure the surface of a street, shall be driven or moved on any street.

State Law Reference: Required equipment of vehicles, 47 O.S. Section 12-101 et seq.

Section 15-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

Section 15-303 EQUIPMENT.

Every vehicle operated upon the streets of the City shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the City which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the City.

State Law Reference: For state law relating to equipment, see 47 O.S. Section 12-201 et seq.

Section 15-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the City; however exhaust whistles may be used on authorized emergency vehicles.

Section 15-305 WIDTH, HEIGHT, LENGTH AND LOAD.

No person shall drive or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that

authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

Cross Reference: See also Section 16-536 of this code on trucks.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. Section 14-101 et seq.

Section 15-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this City any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this City, or any combination thereof, unless the vehicle is in good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants.

The provisions of this Section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

B. Any person who violates the provisions of this Section shall upon conviction thereof, be subject to punishment as provided in Section 1-108 of this code.

ARTICLE 4

SPEED REGULATIONS

Section 15-401 SPEED LIMITS GENERALLY, EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than thirty (30) miles per hour in the City except;

1. On designated and numbered state and federal highways, the maximum is as posted;

2. Emergency vehicles being lawfully driven as provided in this code;

3. When a different speed limit is otherwise designated and posted; or

4. When a different speed limit is established and posted as required in this code.

B. City personnel, subject to such direction as the Mayor and Council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when so provided, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

State Law Reference: Basic and minimum speed rules, 47 O.S. Section 11-801, 11-804, City powers 47 O.S. Section 22.1.

Section 15-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

State Law Reference: Local authority to set speed limits, 47 O.S. Section 15-102, 11-803.

Section 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

Section 15-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS.

No vehicle shall be driven at such an unreasonable slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.

Section 15-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

Section 15-406 RECKLESS DRIVING

A. It shall be deemed an offense for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 47 O.S. §11-801.

B. Any person convicted of violating Subsection A of this Section shall be punished by a maximum of Five Hundred Dollars (\$500.00), plus court costs thereof.

ARTICLE 5

DRIVING, OVERTAKING, PASSING

Section 15-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

D. Official signs may be erected directing the slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

Section 15-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

Section 15-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right of way only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Section 15-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaking vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 15-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing.

Section 15-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width from not more than one line of traffic in each direction each driver shall give to the other at least one-half ( $\frac{1}{2}$ ) other main-traveled portion of the roadway as nearly as possible.

Section 15-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. City personnel, subject to any directions given by the Council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the City designates any street or alley or part thereof as a one-way street or alley, City personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

State Law Reference: Similar provisions, 47 O.S. Section 11-308.

Section 15-508 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-310.

Section 15-509 NO PASSING ZONES.

A. The State Department of Transportation, as regards state and federal highways, and the City Manager as regards all other streets, are hereby authorized to determine those portions of any highways where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on

the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this Section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

Section 15-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

State Law Reference: Local powers to regulate processions, 47 O.S. Section 15-102.

Section 15-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 15-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department.

Section 15-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

Section 15-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus.

State Law Reference: Similar provisions, 47 O.S. Section 11-705.

Section 15-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of Section 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated.

State Law Reference: Similar provisions, 74 O.S. Section 11-705.

Section 15-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED; EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

Section 15-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering

with any other traffic. No vehicle shall be backed into an intersection.

Section 15-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this Section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle, motor scooter, motorbike or all terrain vehicle, whether powered by electricity or combustible fuel, shall be ridden upon any public street, alley, sidewalk, right-of-way or park within the boundaries of the City of Fairview except as provided in this section:

1. Any operator of motorcycle, motor scooter or motorbike who possesses a valid operators license issued by a state agency and the motorcycle, motor scooter or motor bike has a license plate issued by an authorized state agency or Authorized Indian tribe may operate the vehicle upon city streets and alleys.

2. Any of the above mentioned vehicles may be driven on the street(s) dedicated for use of a municipality recognized parade as a participant and only during the time of the parade.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the City between sunset and sunrise.

G. For the purpose of this chapter, an electric personal assistive mobility device as defined by Title 47, Section 1-114A of the Oklahoma Statute, shall not be considered a motor scooter.

Section 15-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance not less than one hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons

and vehicles on the streets are not clearly discernible at a distance of at least five hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this Section unless the person is equipped with and wearing on the head a crash helmet of the type and as not to distort the view of the driver. Such headgear shall comply with the regulations issued by the State Department of Public Safety as provided in Section 40-106G of Title 47 of the Oklahoma Statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

Section 15-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, rOLLER skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

Section 15-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

Section 15-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

Section 15-523 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

A. In a careless manner;

B. In a negligent manner;

C. In such a manner as to endanger life, limb, person, or property; or

D. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

Section 15-524 FULL TIME AND ATTENTION REQUIRED.

The operator of every motor vehicle while driving upon the streets and highways of the City shall devote full time and attention to such driving.

Section 15-525 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the public way and any other conditions then existing.

Section 15-526 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in any unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

Section 15-527 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island.

Section 15-528 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Section 15-529 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provision, 47 O.S. Section 11-1105.

Section 15-530 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 15-531 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 15-532 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Section 15-533 PRIVATE SERVICE DRIVES.

No vehicles or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise.

Section 15-534 TRUCK ROUTES.

The City Council may prescribe routes through the City for the use of trucks in general, trucks or particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the City. Appropriate and adequate signs shall be placed

along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the City, shall keep on such route and shall not deviate therefrom except in case of an emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the City and not merely through the City.

Section 15-535 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

Section 15-536 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this Section is modified at through highways as otherwise stated in this chapter.

State Law Reference: Right of way at intersections, 47 O.S. Section 11-401.

Section 15-537 VEHICLE TURNING LEFT AT INTERSECTIONS.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

Section 15-538 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "Yield Right-of Way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

State Law Reference: Similar provisions, 47 O.S. Section 11-403.

Section 15-539 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

Section 15-540 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If the two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event,

a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

Section 15-541 THROUGH STREETS.

A. City personnel, subject to such direction as the Council may give, may designate any street or part of a street a through street.

B. Whenever the City designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the City if deemed desirable.

Section 15-542 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The City Manager, subject to any directions given by the Council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

Section 15-543 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalks on the near side of the intersection

or if there is not crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

Section 15-544 VEHICLE ENTERING STOP INTERSECTION.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is not marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Section 15-545 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this Section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Section 15-546 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

State Law Reference: Similar provisions, 47 O.S. Section 11-404.

Section 15-547 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

Section 15-548 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

Section 15-549 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-550 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail

of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Section 15-551 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

Section 15-552 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

A. Every operator and front seat passenger of a passenger car operated in this City shall wear a properly adjusted and fastened

safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this Section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this City shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured set belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system: means an infant or child passenger set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A nonresident driver transporting a child in this state;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts are in use;  
and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this Section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children

resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provisions of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for the damages. If any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this Section. Any person convicted of violating subsection A of this Section shall be punished by a maximum fine as set by state law or by the City, whichever is greater, and court costs.

## ARTICLE 6

### TRAFFIC CONTROL DEVICES

#### Section 15-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

City personnel, subject to any directions given by the Council by motion or resolution, shall have placed and maintained traffic control signs, signals, and devices when and as required under the traffic ordinances of this City to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this City or under state law or to guide or warn traffic.

Cross-Reference: For state law relating to traffic control devices, see 47 O.S. Section 11-201 et seq.

#### Section 15-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the manual of Uniform Traffic Control Devices approved by the State Department of Public Safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the City. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Section 15-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police office, subject to the exemptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Drivers to obey traffic devices, 47 O.S. Section 11-201.

Section 15-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently eligible to be seen by an ordinarily observant person. If a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

Section 15-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "Go":
  - a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
  - b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating;
2. Steady yellow or amber alone, "caution":
  - a. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter; and

- b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicle may proceed cautiously through the intersection and clear the same before the "red" signal flashes;
3. Red alone, "stop":
- a. Vehicular traffic facing the signal stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street; and
  - b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so, by a pedestrian "walk" signal;
4. Steady red with green arrow:
- a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and
  - b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed.

State Law Reference: Similar provisions, 47 O.S. Section 11-202.

Section 15-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS:

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

Section 15-607 FLASHING SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This Section shall not apply at railroad crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

Section 15-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "Flashing Yellow":
  - a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and
  - b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;
2. "Steady yellow alone":
  - a. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited; and
  - b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;
3. "Steady red":
  - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;
  - b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and
4. "Steady red and steady yellow combined":
  - a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and

- b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles.

State Law Reference: Similar provisions, 47 O.S. Section 11-203.

Section 15-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This Section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

State Law Reference: Similar provisions, 47 O.S. Section 11-206.

Section 15-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injury, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

Section 15-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

City personnel, subject to any directions given by the Council, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping protect the same.

Section 15-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 15-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized City personnel, subject to any directions given by the Council, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway and crosswalks at intersections, where in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians.

Section 15-614 TRAFFIC LANES.

A. City personnel, subject to any directions given by the Council, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

Section 15-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

Section 15-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 15-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

The City Manager, subject to any directions given by the City Council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign.

Section 15-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES.

No person shall park any vehicle or trailer on any street for a period of time longer than forty-eight (48) hours. This Section shall not affect parking limits established for shorter periods.

Section 15-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

Section 15-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

City personnel, subject to any direction by the City Council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

Section 15-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 15-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

Section 15-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. City Manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The City Manager may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 15-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

A. City personnel are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an

especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this Section, no person shall violate such signs.

Section 15-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of the entrance when properly signposted;
11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or any unlawful distance away from a curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

Section 15-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 15-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The City Council may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 15-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

City personnel may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such sign.

Section 15-715 PARKING ADJACENT TO SCHOOLS.

A. City personnel may have signs erected indicting no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such sign.

Section 15-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection.

Section 15-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block a driveway entrance to any abutting property.

Section 15-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

Section 15-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except that delivery vehicles, either loading or unloading, may park in the center of street, while in the process of loading or unloading and making delivery to or pick up at any local business establishment.

B. This Section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Section 15-720 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the City limits, except in compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

B. Delivery vehicles, either loading or unloading, may double park in the right-hand lane while in the process of loading or unloading and making delivery to local business establishments; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked.

Section 15-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED.

A. It is unlawful for any person to park a truck of over one ton capacity, or a trailer over thirty (30) feet in length, for more than three (3) consecutive hours on any street or alley in the City.

B. It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the City. However, the trucks and vehicles restricted in this Section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquified petroleum gases for a period not to exceed one and one-half (1 1/2) hours during any twenty-four (24) hour period.

Section 15-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;
2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or
3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated for emergency.

Section 15-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb.

State Law Reference: Parking rules, 47 O.S. Section 11-1004.

Section 15-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless or negligent manner;
2. In such a manner as to endanger life, limb, person, or property; or
3. In such manner as to endanger or interfere with the lawful traffic or use of the streets.

Section 15-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space.

Section 15-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a

physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

## ARTICLE 8

### LOADING

#### Section 15-801 DEFINITIONS.

As used in this chapter:

1. "Freight loading zones" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale;

2. "Commercial vehicle" means:

A. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;

B. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the City at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

3. "Passenger loading zone" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles.

#### Section 15-802 CURB LOADING ZONES, DESIGNATION.

A. The City Manager, subject to any directions given by the Council by motion or resolution, may determine the location of

passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this Section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this Section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the City an amount of money estimated by the City Council to be adequate to reimburse the City for all costs of establishing and signing the same.

Section 15-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

Section 15-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes.

Section 15-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the driver stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any commercial vehicle which is waiting to enter the zone.

Section 15-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

The City Manager may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands or other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

Section 15-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

Section 15-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

## ARTICLE 9

## TURNING MOVEMENTS

Section 15-901 TURNING MARKERS OR INDICATORS.

A. Subject to any directions given by the Council by motion or resolution, the City Manager is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 15-902 DESIGNATION OF RESTRICTED TURNS.

The City Manager, subject to City Council direction, is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this Section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

Section 15-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

Section 15-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the City at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;
2. Where a police officer is directing traffic except at the latter's direction; or
3. At any other location where an official "No U-Turn" sign has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the return is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all time to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

Section 15-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS.

It is unlawful and an offense for any person to turn a vehicle across the center line unless the turn is at an intersection at which left hand turns are permitted or into a private road or driveway.

Section 15-906 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; or

3. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the

extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

Section 15-907 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

Section 15-908 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in Subsection B of this Section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post.

Section 15-909 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;
2. Right turn - hand and arm extended upward; and
3. Stop or decrease speed - hand and arm extended downward with palm to the rear.

ARTICLE 10

PEDESTRIANS

Section 15-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law Reference: Pedestrian rights and duties, 47 O.S. Section 11-501 to 11-507.

Section 15-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or
2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

Section 15-1003      PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

Section 15-1004      CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

Section 15-1005      WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this Section are not applicable where pedestrian crossings are prohibited.

Section 15-1006      PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

Section 15-1007      PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

Section 15-1008      DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

Section 15-1009      CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk.

Section 15-1010      OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

## ARTICLE 11

## BICYCLES

Section 15-1101      APPLICATION OF BICYCLE REGULATIONS.

The provisions of this Article shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201 et. seq.

Section 15-1102      APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

Section 15-1103      OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

Section 15-1104      RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 15-1105      RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Person riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and not use the roadway.

Section 15-1106      SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 15-1107      EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

Section 15-1108      CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars.

Section 15-1109      PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

Section 15-1110      RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The City Council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the

riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 15-1111      LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

B. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

C. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

ARTICLE 12

(RESERVED)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

Section 15-1301      PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this Article shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference:      Grounds for removal of vehicles on highways by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

Section 15-1302      PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage or place of safekeeping designated by the City and to no other place.

Section 15-1303      DURATION OF IMPOUNDMENT.

A. Except as otherwise provided, any vehicle impounded under the authority of this Article shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

Section 15-1304      POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Article.

Section 15-1305      DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

Section 15-1306      VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

Section 15-1307      ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded, unless the driver or person in charge can provide immediately for the vehicle's custody or removal.

Section 15-1308      VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

Section 15-1309      ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this Section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

Section 15-1310      VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, for more than forty-eight (48) hours, shall be impounded.

Section 15-1311      VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

Section 15-1312      VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

Section 15-1313      STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

Section 15-1314      VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this chapter.

## ARTICLE 14

## PENALTIES

Section 15-1401      OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the City for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the City for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this chapter.

Section 15-1402      PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the City, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Section 1-108 of this code.

page left intentionally blank

12/1/2005 version

CHAPTER 16 TRANSPORTATION

ARTICLE 1

RAILROADS

SECTION 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS  
SECTION 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS  
SECTION 16-103 CLIMBING ON TRAINS  
SECTION 16-104 SPEED LIMIT FOR TRAINS  
SECTION 16-105 CROSSING GATES OR SIGNALS  
SECTION 16-106 TRAINS BLOCKING STREETS  
SECTION 16-107 UNNECESSARY NOISE PROHIBITED

ARTICLE 2

AIRPORT DEPARTMENT AND AIRPORT COMMISSION

SECTION 16-201 DEPARTMENT OF AIRPORTS ESTABLISHED.  
SECTION 16-202 MAYOR TO APPOINT COMMISSION; LIMITATION.  
SECTION 16-203 CONDITIONS FOR SERVICE ON COMMISSIONS.  
SECTION 16-204 METHOD OF REMOVAL OF COMMISSION MEMBERS.  
SECTION 16-205 POWERS OF COMMISSIONERS.  
SECTION 16-206 AIRPORT COMMISSION TO MEET MONTHLY.  
SECTION 16-207 AIRPORT COMMISSION TO ELECT OFFICERS.  
SECTION 16-208 LEGAL COUNSEL FOR COMMISSION TO BE CITY  
ATTORNEY.  
SECTION 16-301 FAIRVIEW-MAJOR COUNTY JOINT AIRPORT ZONING BOARD  
CREATED.  
SECTION 16-302 MEMBERSHIP PROVIDED FOR.

ARTICLE 3

FAIRVIEW MUNICIPAL AIRPORT HEIGHT HAZARD ZONING

SECTION 16-301 TITLE.  
SECTION 16-301 TITLE.  
SECTION 16-302 DEFINITIONS  
SECTION 16-303 AIRPORT ZONES  
SECTION 16-304 AIRPORT ZONE HEIGHT LIMITATIONS  
SECTION 16-305 USE RESTRICTIONS  
SECTION 16-306 NONCONFORMING USES  
SECTION 16-307 PERMITS  
SECTION 16-308 ENFORCEMENT  
SECTION 16-309 BOARD OF ADJUSTMENT  
Section 16-310 Appeals  
SECTION 16-311 JUDICIAL REVIEW  
SECTION 16-312 PENALTIES

## CHAPTER 16 TRANSPORTATION

## ARTICLE 1

## RAILROADS

Section 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS.

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the city is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

Section 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.

Railway companies shall construct sidewalks crossing their rights-of-way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

Section 16-103 CLIMBING ON TRAINS.

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the city, unless such person is acting in line of duty; or to board any train or railroad car, including a passenger, freight, or other car, except with a proper

ticket or the permission of the person in charge of the train or car or in line of duty.

Section 16-104 SPEED LIMIT FOR TRAINS.

A. The maximum speed of railroad locomotives, engines, motorcars or trains of cars within the corporate limits of the city shall be as provided by federal regulation.

B. No engineer, conductor or other person in charge of a railway locomotive, railway engine, railway motorcar or train of cars shall operate and run the same, or permit or suffer the same to be operated and run, along any track within the corporate limits of the city at a greater rate of speed than is prescribed and set forth in this Section.

C. Where grade crossings of any railroad tracks are protected by automatic crossing gates with arms or by wig-wag signals within the city, all trains passing through any grade crossings so protected shall not exceed a speed of fifty (50) miles per hour. Such automatic crossing gates or wig-wag signals shall close each and every grade crossing to highway traffic for a period of at least thirty (30) seconds before any train, or part of train, shall occupy the grade crossing.

Section 16-105 CROSSING GATES OR SIGNALS.

Any and all railroad companies which are now operating and which shall hereafter operate, any railroad line or lines within the corporate limits, or through the corporate limits, of the city, are hereby authorized to erect and install automatic crossing gates, with arms, at all railroad grade crossings in the city.

Section 16-106 TRAINS BLOCKING STREETS.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes. This provision shall not apply to railroad trains or cars in motion, other than those engaged in switching.

Section 16-107 UNNECESSARY NOISES PROHIBITED.

It is unlawful for any engineer or other person while operating a locomotive within or through the city to cause unnecessary or prolonged blasts with a whistle on the locomotive or to allow or cause any unnecessary noises from such locomotive.

## ARTICLE 2

## AIRPORT DEPARTMENT AND AIRPORT COMMISSION

SECTION 16-201 DEPARTMENT OF AIRPORTS ESTABLISHED.

A. There is hereby created a department of airports, the head of which is the airport manager, appointed by the city manager for an indefinite term and removable by the city manager. The airport manager is an officer of the city and has supervision and control of the airport department. The airport department, through the airport manager, shall be under the direct supervision of the city manager and shall file monthly reports on forms approved by the city manager's office.

B. The airport department shall have the charge of the maintenance of and shall operate and improve the Fairview Municipal Airport. The airport shall be operated in compliance with all laws, procedures, rules and regulations of the Federal Aviation Administration. The airport department shall conduct general maintenance and repair of buildings and hangers, taxiways and runways.

SECTION 16-202 MAYOR TO APPOINT COMMISSION; LIMITATION.

Commissioners shall be appointed by the mayor and confirmed by a three-fourths (3/4) vote of the duly elected and qualified members of the city council, and shall hold office for a term of five (5) years, provided however, that the commissioners first appointed shall serve for terms of one, two (2), three (3), four (4), and five (5) years each, to be designated by the mayor, and thereafter upon the expiration of their respective terms their successors shall be appointed for a term of five (5) ears, from the first day of July.

SECTION 16-203 CONDITIONS FOR SERVICE ON COMMISSIONS.

The members of the commission shall receive no compensation for their services but shall be entitled to reimbursement for all expenses reasonably incurred by them in the performance of their duties as members of the commission. Each commissioner shall take and file the oath required by law in the State of Oklahoma. No member of such commission shall hold any elective office under the municipal government while a member of the commission, nor shall any such member be a candidate for any such elective office while a member of the commission. Further, no member of the commission shall engage financially in any aeronautical enterprise other than minority ownership of stock of a certificated air carrier not operating on or from the Fairview Municipal Airport, nor shall any member have any financial interest in any concession, right or

privilege to conduct any business or render any service for compensation upon the premises of the municipal airport.

SECTION 16-204 METHOD OF REMOVAL OF COMMISSION MEMBERS.

Any commissioner appointed by the provisions of this chapter may be removed only by a three-fourths (3/4) vote of the duly elected and qualified members of the city council.

SECTION 16-205 POWERS OF COMMISSIONERS.

The commissioners hereunder appointed shall have advisory powers and assist the city council as follows:

1. The commission shall assist the city in all operation, management, and development problems of the airport. It shall keep a record of all airport income, which shall be channeled through regular city channels. It shall also keep a record of all airport expenditures and any expenses paid shall first be approved by the commission. The commission should see that the airport is operated and maintained in full accordance with any agreements between the city and the Federal Aviation Agency or any other governmental agency;

2. The commission shall assist the city in complying with all civil air regulations of the FAA, pertaining to airworthiness of aircraft, certification of aircraft and operation of aircraft as may fall under the city's jurisdiction;

3. The commission shall give the city all necessary assistance in protecting all the aerial approaches to the airport;

4. The commission shall advertise the airport to the maximum interest of the city and encourage or cause to permit sufficient facilities to be available for all possible business in the community;

5. The commission shall recommend to the city annually before the city council prepares its budget, the amount of funds necessary for maintenance, operation, management, or development of the airport, which shall include the estimated revenue to be derived from the airport;

6. All recommendations to the city council shall have the approval of a majority of the commission members;

7. The commission shall be responsible for issuance of news items to the local newspapers; and

8. The commission shall be responsible for assisting the city to coordinate all planning and activity on the airport with the state and federal aviation agencies.

SECTION 16-206 AIRPORT COMMISSION TO MEET MONTHLY.

The commission shall meet at least monthly, but other meetings may be held at any time by the commission or upon the call of the mayor and the city council.

SECTION 16-207 AIRPORT COMMISSION TO ELECT OFFICERS.

The commission shall elect annually from its members a chairman and vice-chairman and shall also appoint a secretary who may, but need not be, a member of the commission.

SECTION 16-208 LEGAL COUNSEL FOR COMMISSION TO BE CITY ATTORNEY.

The city attorney of the city shall serve as ex-officio legal counsel for the commission, and the commission shall have the authority to employ other legal counsel as it may deem necessary.

SECTION 16-301 FAIRVIEW-MAJOR COUNTY JOINT AIRPORT ZONING BOARD CREATED.

Subject to like provision being made by the board of the county commissioners of the county, by proper resolution, duly promulgated and entered on its minutes, and as authorized by the provisions of Title 3 of the statutes of the state, there is hereby created a Joint Airport Zoning Board, to be known as the Fairview-Major County Joint Airport Zoning Board which shall have the powers and exercise the duties set forth in Sections 101 through 115 inclusive of Title 3 of the statutes of the state. (Prior Code, Sec. 1-69)

Cross Reference: See also Sees. 12-201 et seq., Zoning.

SECTION 16-302 MEMBERSHIP PROVIDED FOR.

The Fairview-Major County Joint Airport Zoning Board shall be composed of five (5) members, two (2) to be appointed by the city council of the city and two (2) members to be appointed by the board of county commissioners of the county. The fifth member shall be elected by a majority of the members so appointed and the fifth member shall serve as chairman of the Fairview-Major County Joint Airport Zoning Board.

Ed. Note: Fairview Airport Authority. Ordinance No. 76-4 approved the trust indenture creating the Fairview Airport Authority

and accepted beneficial interest in the trust. The trust indenture is dated April 20, 1976.

ARTICLE 3

FAIRVIEW MUNICIPAL AIRPORT HEIGHT HAZARD ZONING

SECTION 16-301 TITLE.

This Article is adopted pursuant to the authority conferred by 3 O.S. 100 et seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Fairview Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Fairview Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Fairview Municipal Airport and the public investment therein. Accordingly, it is declared:

A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Fairview Municipal Airport;

B. That it is necessary in the interest of the public health, public safety, general welfare and convenience that the creation or establishment of obstructions that are a hazards to air navigation is prevented; and

C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power, as a reasonable zoning regulation, without the necessity of the payment of just compensation.

D. That the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION 16-301 TITLE.

This Article shall be known and may be cited as Fairview Municipal Airport Height Hazard Zoning.

SECTION 16-302 DEFINITIONS

As used in this Article, unless the context otherwise requires, the following definitions shall have the following meaning:

1. AIRPORT - Fairview Municipal Airport.
2. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from sea level. Fairview Municipal Airport has an elevation of 1,273' above mean sea level (MSL).
3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 16-304 of this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones set forth in Section 16-303 of this Article.
5. BOARD OF ADJUSTMENT - The Board of Adjustment is the governing body of the City of Fairview.
6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. HAZARD TO AIR NAVIGATION - an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. HEIGHT - For the purposes of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
9. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet power aircraft.
11. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

12. NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

13. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 16-304.

14. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

15. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 16-303 of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

16. RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

17. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

18. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

19. TREE - Any object of natural growth.

20. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

21. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

#### SECTION 16-303 AIRPORT ZONES

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Fairview Municipal Airport. Such zones are shown on the Fairview Municipal Airport Zoning Map consisting of 1 sheet, prepared by Leard-Bice & Associates, Inc., which is attached to Ordinance 99-1, on file in the Office of the City Clerk and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone extends outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

3. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all other from the center of each end of the primary surface of such runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

#### SECTION 16-304 AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,273 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

3. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,423 feet above mean sea level.

4. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Excepted Height Limitations. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

#### SECTION 16-305 USE RESTRICTIONS

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 16-306 NONCONFORMING USES

1. Regulations Not Retroactive. The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provision of this Section, the Owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Fairview and/or the Fairview Airport Authority.

SECTION 16-307 PERMITS

1. Future Uses. Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 16-307.4.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than

4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 16-304.5.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Code Enforcement Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Board of Adjustment for the City of Fairview for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a

hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Fairview Airport Committee for advice as to the aeronautical effects of the variance. If the Fairview Airport Committee does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Fairview and/or Fairview Airport Trust, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### SECTION 16-308 ENFORCEMENT

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Article to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

#### SECTION 16-309 BOARD OF ADJUSTMENT

1. The Board of Adjustment is hereby authorized to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Article; (2) to hear and decide special exceptions to the terms of this Article upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

2. The Board of Adjustment shall be the duly qualified or elected council members of the City of Fairview. Each member shall serve for such length of time on the Board of Adjustment as the period of time for which they have been elected or appointed to the City Council. The Mayor of the City shall be the Chairman of the Board of Adjustment.

3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Article. Meeting of the Board of Adjustment shall be held at the call of the Chairman and at other times as the Board of Adjustment may determine. The Chairperson or Vice Chairman shall administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes and its proceedings shall show the vote of each member on each question; of if absent or failing to vote, indicating such fact, and shall keep records of all examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and on due cause shown.

4. The Board of Adjustment shall make written findings of facts and conclusion of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Article.

5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator on any matter upon which it is required to pass under this Article, or to effect variation to this Article.

#### Section 16-310 Appeals

1. Any person aggrieved, or any taxpayer affected, by the decision of the Zoning Administrator made in the administration of the Article, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate to stay would in the opinion of Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties

in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this Article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION 16-311 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the District Court of Major County as provided in Title 3, Section III of the Oklahoma Statutes.

SECTION 16-312 PENALTIES

Each violation of this Article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) and court costs; and each day a violation continues to exist shall constitute a separate offense.

CHAPTER 17. UTILITIES

ARTICLE 1

GENERAL PROVISIONS

SECTION 17-101 LEASE OF SYSTEMS

SECTION 17-102 PENALTY, ADOPTION BY REFERENCE

CHAPTER 17. UTILITIES

ARTICLE 1

GENERAL PROVISIONS

SECTION 17-101 LEASE OF SYSTEMS.

The City leased its water, electric, sewer and refuse systems to the Fairview Utilities Authority, a public trust, including the setting of all rates for the use of the systems and all regulations governing them. For a copy of the current rates, see the minutes of the Fairview Utilities Authority.

Ed. Note: See Fairview Utilities Authority's minutes and resolutions for current provisions and rates regarding the city's utility systems.

SECTION 17-102 RULES ADOPTED, PENALTY.

The rates and rules of the Fairview Utilities Authority are hereby adopted and incorporated herein by reference, fully applicable as if set out at length herein. Any violation of the rules, regulations or rates is punishable as provided in Section 1-108 of this code.

## CHAPTER 18. FEE SCHEDULE

SECTION 18-101 FEES

For the purposes of providing a clear and concise listing of the fees and charges authorized by the provisions of this code, a schedule of fees and charges, or fee schedule, is hereby set forth in this appendix. The heading gives the title of the appropriate chapters and articles, as applicable. Actual cost for research fees include cost of labor or any fees expended by the city. The fees herein may be amended by motion or resolution of the council. Current copy is on file with the City Clerk.

## DESCRIPTION OF FEE

## ADMINISTRATION AND GOVERNMENT

## CITY RECORDS

## Code Section

|       |   |                                |
|-------|---|--------------------------------|
| 2-309 | Photocopying (per page)   | \$ 0.25                        |
| 2-310 | Mechanical reproduction fee                                     | Actual cost to city            |
| 2-311 | Search fee for commercial purposes                              | Actual cost to city            |
| 2-312 | Prepayment required when estimated cost exceeds                 | \$25.00                        |
|       | Accident Report; arrest report, offense report; incident report | \$3.00/page<br>\$7.00 per tape |

## ALCOHOLIC BEVERAGES

|       |   |           |
|-------|---|-----------|
| 3-102 | Occupation tax relating to alcoholic beverages: |           |
| 1.    | Brewer  | \$1250.00 |
| 2.    | Distiller                                       | \$3125.00 |
| 3.    | Winemaker                                       | \$625.00  |
| 4.    | Okla. Winemaker                                 | \$75.00   |
| 5.    | Rectifier                                       | \$3125.00 |
| 6.    | Wholesaler                                      | \$3500.00 |
| 7.    | Class B. Wholesaler                             | \$625.00  |
| 8.    | Package Store Retailer                          | \$200.00  |
| 9.    | Mixed Beverage Renewal                          | \$200.00  |
| 10.   | Bottle Club Renewal                             | \$200.00  |
| 11.   | Caterer   | \$100.00  |

|   |                   |
|---|-------------------|
|   | 12/1/2005 version |
| 12. Special Event (per day)   | \$50.00           |
| Certificate of compliance with zoning,<br>Fire, health and safety codes   | \$50.00           |
| Non-intoxication Beverages  |                   |
| For consumption on or off premises<br>yearly license  | \$40.00           |
| In original package and not for<br>consumption on premises - yearly<br>License  | \$40.00           |
| ANIMALS   |                   |
| General Provisions  |                   |
| Annual license fee for kennel   | \$100.00          |
| Animal over 6 months of age,<br>Annual tax  | \$3.00            |
| Impounding and keeping animal or fowl:  |                   |
| Impound fee   | \$15.00           |
| Per day fee and care  | \$5.00            |
| Dogs not vaccinated against rabies, pay deposit as set<br>by city to be to be refunded upon proof of vaccination          |                   |
| Euthanasia Fee  | \$10.00           |
| Redeeming animals:  |                   |
| 1. Impoundment fee  | \$15.00           |
| 2. Proof of vaccination<br>(Deposit Required)   |                   |
| 3. Feed and care (Per Day)  | \$5.00            |
| Adoption Fees:  |                   |
| Cost of vaccination, plus all applicable impound fees,<br>daily care (\$5.00 per day) and all<br>Other expenses incurred. |                   |
| Refund of excess sale price   |                   |
| Supervised quarantine at owner's expense  | Actual Cost       |

Impoundment of vicious, dangerous or diseased animals - expenses are the responsibility of Owner

Actual Cost

Determination if animal is vicious, dangerous or diseased. Actual Cost

If not, then surrendered to owner upon payment of expenses. If it is, the owner to pay all Required fees.

BUILDING REGULATIONS AND CODE

Registration, Permits, Bond and Fees

|                       |                                |         |
|-----------------------|--------------------------------|---------|
| Electrical Contractor | 1 <sup>st</sup> year           | \$50.00 |
|                       | 2 <sup>nd</sup> and continuing | \$25.00 |
|                       | If license does not lapse      |         |

|            |         |
|------------|---------|
| Journeyman | \$10.00 |
|------------|---------|

|            |        |
|------------|--------|
| Apprentice | \$0.00 |
|------------|--------|

|                     |                                |         |
|---------------------|--------------------------------|---------|
| Plumbing Contractor | 1 <sup>st</sup> year           | \$50.00 |
|                     | 2 <sup>nd</sup> and continuing | \$25.00 |
|                     | If license does not lapse      |         |

|            |        |
|------------|--------|
| Journeyman | \$5.00 |
|------------|--------|

|            |        |
|------------|--------|
| Apprentice | \$0.00 |
|------------|--------|

|                       |                                |         |
|-----------------------|--------------------------------|---------|
| Mechanical Contractor | 1 <sup>st</sup> year           | \$50.00 |
|                       | 2 <sup>nd</sup> and continuing | \$25.00 |
|                       | If license does not lapse      |         |

|            |         |
|------------|---------|
| Journeyman | \$10.00 |
|------------|---------|

|            |        |
|------------|--------|
| Apprentice | \$0.00 |
|------------|--------|

NOTE: All of the above contractors must show proof of bond with the state.

Building Permit Fees \$1.00 per thousand up to \$100,000.00; maximum is \$100.00 building permit fee

Electrical Inspection Fees

\$2.00 and up according to size of structure

For Example: 2 bedroom home \$5.50  
3 bedroom home \$6.50  
4 bedroom home \$7.50

Commercial buildings are computed by Electric Inspector as to outlets and time.

Plumbing Inspection Fees

\$3.00 and up according to size of structure

For Example: 2 bedroom home \$3.50  
3 bedroom home \$5.00  
4 bedroom home \$6.50

Commercial buildings are computed by Plumbing Inspector as to outlets and time.

Gas Line Inspection \$2.00

NOTE: All applicants for permits must furnish a drawing showing in some detail, the relevant size and location of the purposed project. In the case of fences, small storage buildings, driveways, a sketch on the application will suffice. However, for major remodel and new construction and large complex projects a set of drawings by an engineer or architect may be required, and the cost of the plan review will be added to the permit. This cost will vary with the complexity of the project.

Bonds and Fees

Permit fee to move building with 24 hours notice \$20.00  
Without 24 hours notice \$30.00

COURT  
COURT PROCEDURE

Filing criminal offense in Municipal court, court cost \$25.00

Deferred sentence to pay restitution and administrative fee of up to state maximum

Judgment of conviction: Cost to defendant of maximum sum required by state law (plus fees, mileage of jurors and witnesses, witness fees paid per day plus mileage per day) \$ 25.00

Dishonored check or instrument returned and processing fee per check or instrument to Court Clerk (returned check charge) \$25.00

FINANCE AND TAXATION  
SALES TAX

Excise Tax set by franchise 4%

Use Tax 4%

Telephone Exchange Fee

Annual Inspection fee and service charge for operating exchange (set by Franchise)

Utility Fee

Utility tax, in lieu of franchise 3%

Health and Nuisances  
Nuisance and Health Generally

Summary abatement of nuisances; cost to owner or person responsible

Abatement of health nuisance; cost of abating or removing nuisance, charged to owner or Occupant.

Weeds, Grass and Trash

Cleaning and mowing:

If done by city not to exceed \$500.00

If done by private contract to be bid of best and lowest bidder

Actual costs and other expenses including notice and mailing to be paid by property owner

## Dilapidated Buildings

Costs of dismantling and removal of boarding or securing:

If by city actual cost of labor, maintenance and equipment not to exceed \$500.00

If by private contractor to be by bid  
Actual costs and other expenses including cost of notice and mailing to be paid by Property owner

## Abandoned, Junk Vehicles

Advance cost of mailing to property owners advising of application; up to Maximum of \$50.00

Owner responsible for all expenses incurred by removal and deposition

Redemption of impounded vehicles or motor vehicle, prior to sale; actual and reasonable expense of removal plus storage

Issuance of licenses conditioned upon approval, fees, inspection or bond

Processing fee for all licenses and permits

## Itinerant Vendors

License required prior to soliciting in the city to cover each person and each location or separate place of business

|          |         |
|----------|---------|
| Per Week | \$25.00 |
| Per Day  | \$5.00  |

Owner or lessees of building to obtain blanket itinerant vendor license

|                 |         |
|-----------------|---------|
| Fee for license | \$25.00 |
|-----------------|---------|

## Garage Sales

|                 |        |
|-----------------|--------|
| Permit required | \$5.00 |
|-----------------|--------|

PLANNING, ZONING AND DEVELOPMENT  
ZONING REGULATIONS

12-201 Zoning Regulation, filing, amendment, etc. fees

## Subdivision and Platting Regulations

12-401 Subdivision regulation, filing, etc fees:

The water and sewer systems have to be designed by a registered P.E. and submitted to the State Health Department for review and approval. There is a fee associated with this and is the responsibility of the developer. These plans along with a detailed set of plans have the subdivision including the layout of the streets and alleys (these alleys must be dedicated alleys, not easements) will be submitted to the Planning and Zoning Committee for review, they will, in turn, submit these to the council with their recommendations. Fees will be \$100.00 plus Costs.

## Mobile Home Regulations

Mobile home regulations, permits, parks, etc., fees:

Mobile homes allowed to be placed in the City upon approval, will require a building permit. The cost of this permit is \$10.00.

Parks would be same as subdivision.

## Flood Plain Regulations

Development permit - Area to be developed will be topographically surveyed by engineer, and studied by an engineer to determine impact on surrounding area. The topographical map and the findings of the engineer to be furnished before a permit is issued. That permit will be same as subdivision regulates. In the case of a building permit, if this study is for a business or dwelling in a flood plain will be the same as any other building permit after all the above are met and measures are taken to prevent flooding or flood damage to the proposed building project.

## Public Safety

## Fire Prevention Code

New materials, processes or occupancies may require permits.

## Fire Services

Charges for calls made outside city limits

- |    |  |   |       |
|----|--|---|-------|
| A. | Non-emergency calls:                                 | \$250/truck per hour<br>\$25.00/hr per each<br>fire fighter (min of<br>1 hr.) |       |
| B. | Emergency calls:<br>per truck per each 8 hr. period. |   | \$300 |

## STREETS AND SIDEWALKS

## General Provisions

- |  |         |
|--|---------|
| Abatement procedure for removal of trees and shrubs            | \$15.00 |
| Permit for structure on or over street or sidewalk             | \$25.00 |
| Permit and fee for culvert, driveway, stock pass fence or sign | \$25.00 |

## Excavations

Permit to tunnel under or make an excavation in street, alley or public place For persons other than the phone company, gas company or cable company, there will be a Permit applied for and a fee paid of \$25.00. The condition of the alley or public place excavated by any one will be restored as good or better than before the project was undertaken

Deposit to cover cost of restoration of the ground and laying of pavement

TRAFFIC AND VEHICLES  
General Provisions

Security verification vehicle form as required by state

Stopping, Standing and Parking

15-602 Handicapped parking requires detachable insignia of physically disabled person

Loading Zones

15-1204 Special permit to back to curb for loading or unloading issued to: owner of lessee of real Property; or owner of vehicle

Impoundment

15-1912 Release conditioned on payment of:  
Impoundment costs and accrued storage charges  
Proof of payment of all fines and costs due city